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ABSTRACT

A subcommittee of the U.S. Civil Rights Commission heard testimony on social changes in progress and the future of civil rights, in the first of a series of forums. During the 2-day forum, the Commission received a wide range of information and views from representatives of federal, state, and local governments; civil rights groups; the press; private industry; and academia. The participants indicated that two important population trends are developing in the United States. First, minority populations, particularly the Hispanic and Asian populations, are growing faster than the non-Hispanic White population, especially among younger age groups. Second, the age distribution of non-Hispanic Whites is changing because of high rates of growth among older age groups resulting in a growing older population that is predominately White and a shrinking younger population that is increasingly minority. Specific topics addressed include ethnic diversity, political participation, enforcement of voter rights, labor force and economic changes, employment discrimination, education, intergroup relations, and combating harassment and hate group activity. Included with the actual proceedings are the written testimony of witnesses, six figures, and the following selected papers: "The Political Impact of Demographic Changes" (B. E. Cain); "Hispanic Education, Leadership, and Public Policy" (L. Freedberg); "Changing Demographics in Higher Education: The Case of Black Americans" (S. B. Graves); "New Approaches to Justice: The Neighborhood Foundations" (J. A. Kromkowski); "Changing Demographics and Employment Regulation" (J. S. Leonard); and "Rethinking Entrepreneurship" (I. Light and C. Rosenstein). (JB)

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CHANGING PERSPECTIVES ON CIVIL RIGHTS

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United States Commission on Civil Rights
Forum Held in Los Angeles, California
September 8–9, 1988

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U.S. COMMISSION ON CIVIL RIGHTS

The U.S. Commission on Civil Rights is an independent, bipartisan agency first established by Congress in 1957 and reestablished in 1983. It is directed to:

•Investigate complaints alleging that citizens are being deprived of their right to vote by reason of their race, color, religion, sex, age, handicap, or national origin, or by reason of fraudulent practices;

•Study and collect information concerning legal developments constituting discrimination or a denial of equal protection of the laws under the Constitution because of race, color, religion, sex, age, handicap, or national origin, or in the administration of justice;

•Appraise Federal laws and policies with respect to discrimination or denial of equal protection of the laws because of race, color, religion, sex, age, handicap, or national origin, or in the administration of justice;

•Serve as a national clearinghouse for information in respect to discrimination or denial of equal protection of the laws because of race, color, religion, sex, age, handicap, or national origin;

•Submit reports, findings, and recommendations to the President and Congress.

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CHANGING PERSPECTIVES ON CIVIL RIGHTS

United States Commission on Civil Rights
Forum Held in Los Angeles, California
September 8–9, 1988

Preface

Since its inception, the U.S. Commission on Civil Rights has sought to be the Nation's conscience on issues related to intergroup relations and equal opportunity. In this role, the Commission has taken the lead in advocating Federal policies that protect the civil rights of all Americans.

In 1983 the Commission was reconstituted, and a new and larger board of Commissioners was appointed. Over the past few years, the Commissioners have been debating how the Commission should approach civil rights issues in the future, considering among other things the demographic changes in the United States. Some of the questions of interest to the Commissioners include: Where will the focus of civil rights be in the future? Will the issues be the same as in the past? Will demographic changes in society bring new issues to the forefront or prompt a redirection in civil rights policy?

To assess the range of opinions about the future of civil rights in this country, the Commissioners established a subcommittee to investigate how society may be changing and the implications of the changes for equal opportunity for all Americans. The subcommittee, whose members were Commissioners Murray Friedman, Robert Destro, Esther Buckley, and Francis Guess,* planned a series of forums to hear the perspectives of government officials and the public on how changing demographics may affect civil rights issues and policies and the role of government, corporations, and nonprofit organizations in promoting equal opportunity.

The Los Angeles forum on "Changing Perspectives on Civil Rights" was the first in this series of forums. This publication is comprised of papers submitted by participants of the forum, the forum transcript, and an introductory summary of the major issues addressed during the 2-day forum—population changes, political participation, the economy, education, and intergroup relations.

The primary goal of the introductory summary is to highlight ways in which demographic changes and changes in the economy that are taking place today may have civil rights implications in the future. The summary develops the issues discussed in the forum along single themes, interspersing the information and opinions of the panelists' at appropriate points. In some instances, this format is more successful than in others. One problem with this format is that the participants occasionally disagreed about the facts or agreed about the facts but used them to arrive at different conclusions. The summary makes no attempt to judge the factual basis or the conclusions of the panelists. A second problem is that the presentations of some of the panelists cut across the various issues discussed. As a result, the ideas of some panelists may be unintentionally oversimplified in the summary. The introductory summary attempts simply to summarize the statements of the panelists and does not necessarily reflect the views of the Commission or subcommittee.

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* Commissioner Guess was initially a member of the subcommittee but subsequently resigned when the subcommittee held its meetings without him and without notifying him of its meetings.

Before publication, participants were afforded the opportunity to review their comments as reported in the transcript.

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Summary

On September 8–9, 1988, the U.S. Commission on Civil Rights held a regional forum on "Changing Perspectives on Civil Rights," in Los Angeles, California. The forum, first of a series, focused on how demographic changes in the United States may affect civil rights issues and policies in the future.

During the 2-day forum, the Commission received a wide range of information and views from representatives of the Federal, State, and local governments, civil rights groups, the press, private industry, and academia. The participants indicated that two important population trends are developing in the United States. First, minority populations, particularly the Hispanic and Asian populations, are growing faster than the non-Hispanic white population—especially among younger age groups. Both higher rates of immigration and higher rates of natural increase (births minus deaths) contribute to the higher growth rates of minority populations. As a result, minorities are making up an increasing proportion of the population, and the composition of the minority population is changing—the minority population is becoming increasingly Hispanic, Asian, and foreign born, and decreasingly black.[1]

Second, the age distribution of the non-Hispanic white population is changing because of high rates of growth among older age groups. The high growth rates among older age groups are primarily the result of longer life spans and the aging of the baby boom generation. Since the minority populations are growing fastest at younger age groups, this trend is resulting in a growing older population that is predominately white and a shrinking younger population that is increasingly minority.

These demographic changes may have important implications for civil rights in the areas of political participation, employment, education, and intergroup relations. In the future, important civil rights issues may be those that affect the Hispanic and Asian populations, especially those affecting immigrants. Other future civil rights issues may be related to the demographic changes occurring among blacks, women, and the elderly.

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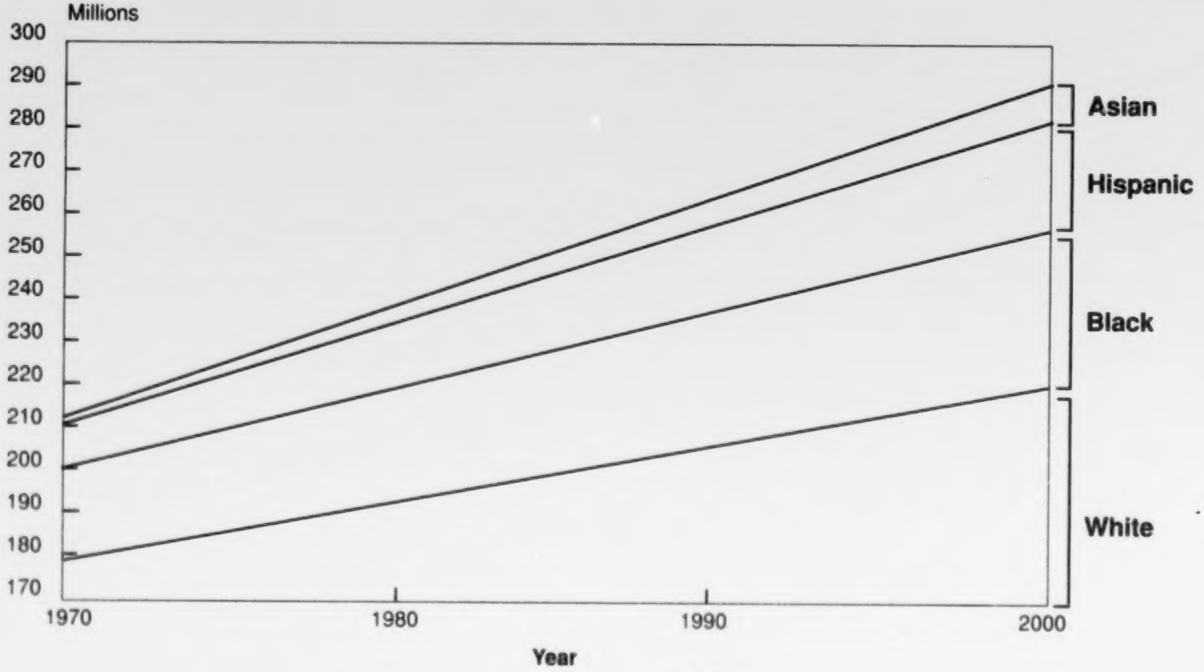
[1] See fig. 1, population chart developed by the Commission and based on Census Bureau data.

Figure 1
American Population Growth: 1970-2000



The following pages highlight some of the information and views on population changes, political participation, the economy, education, and intergroup relations presented at the forum. Because of the wide range of information presented, this summary cannot incorporate all of the information provided by the participants. Material not included in the summary can be found in the transcript section.

Some participants submitted written statements along with their oral presentations. The written statements that differed significantly from the participants' oral presentations are published here following the transcript of the forum; an asterisk appears by the name of participants whose written statements are being published. Other written material that was submitted, but not published, may be obtained from the Civil Rights Commission upon request.

To recognize all the panelists and their contributions, below is a list of the panels and their participants.[3] The Commission thanks each panelist for his or her time and effort, without which this forum would not have been possible.

Panel I—American Demographic Trends into the 21st Century: A Federal Perspective. The panelists were Dr. Kenneth J. Beirne, Assistant Secretary of Policy Development and Research, U.S. Department of Housing and Urban Development; Mr. Sam M. Hirabayashi, Regional Commissioner (San Francisco), Bureau of Labor Statistics, U.S. Department of Labor; Dr. William P. Butz, Associate Director for Demographic Programs, U.S. Bureau of the Census; Mr. Harold W. Ezell, Regional Commissioner (Los Angeles), Immigration and Naturalization Service; and Commissioner Rosalie Gaull Silberman, Vice Chairman, U.S. Equal Employment Opportunity Commission.

Panel II—Public Policy Effect of Changing Demographics: An Overview. The panelists were Professor Ivan Light,* Department of Sociology, University of California, Los Angeles; Professor Roger Daniels, Department of History, University of Cincinnati; Dr. Manuel Justiz, College of Education, University of South Carolina; Mr. Antonio Serrata, Chicano Studies Research Center, University of California, Los Angeles; Dr. Jonathan Leonard,* School of Business, University of California, Berkeley; and Professor Bruce Cain,* Division of Humanities and Social Sciences, California Institute of Technology.

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[3] The affiliations shown for the panelists are their affiliations at the time of the forum.

Panel III—Changing Demographics: The Perspective of Civil Rights Organizations. The panelists were Ms. Betsy Rosenthal, Western States Civil Rights Coordinator, Anti-Defamation League of B'nai B'rith, Los Angeles, California; Mr. Bruce Ramer, Chairman, Commission on National Affairs, American Jewish Committee, Los Angeles, California; Dr. John Kromkowski,* National Center for Urban Ethnic Affairs, Washington, D.C.; Ms. Yolanda Jodi Eubanks, Assistant to the National President, League of United Latin American Citizens, Fort Worth, Texas; Dr. Irvin R. Lai, Asian American Voters Coalition, Potomac, Maryland; Ms. Joyce Leanse, Western Regional Manager, National Council on Aging, Los Angeles, California; Mr. Harold Webb, Executive Director, National Association for the Advancement of Colored People, Los Angeles, California; and Ms. Antonia Hernandez, President and General Counsel, Mexican American Legal Defense Fund, Los Angeles, California.

Panel IV—The Effects of Changing Demographics: An Urban View. The panelists were Ms. Janice Dembo, Coordinator of the Toronto Mayor's Committee on Community and Race Relations, Toronto, Canada; Ms. Grace Davis, Deputy Mayor, Los Angeles, California; and Mr. Rich Castro, Executive Director of the Agency of Human Rights and Community Relations, Denver, Colorado.

Panel V—Reflections of the News Media. The panelists were Mr. Louis Freedberg,* Pacific News Service, Berkeley, California; Mr. Dan Walters, *Sacramento Bee*, Sacramento, California; Mr. Thomas Elias, West Coast Correspondent, Scripps-Howard News Service, Santa Monica, California; Mr. Alan Bock, *Orange County Register*, Santa Ana, California.

Panel VI—Voting Rights and Political Participation. The panelists were Ms. Melanie Lomax, Attorney, Los Angeles, California; Mr. Gerald Jones, Chief, Voting Section, U.S. Department of Justice; Dr. Robert Brischetto, Executive Director, Southwest Voter Research Institute, San Antonio, Texas; Mr. Richard Dinkins, Williams & Dinkins, Nashville, Tennessee; Dr. Francine Rabinovitz, Vice President, HR & A, Los Angeles, California; and Ms. Sandy Estrada, Political Consultant, Dallas, Texas.

Panel VII—Changing Demographics in Education. The panelists were Professor Eugene Garcia, Education Board Chairman, University of California, Santa Cruz; Mr. Stanley Diamond, Board Member, U.S. English, San Francisco, California; Mr. Henry Der, Chinese for Affirmative Action, San Francisco, California; Ms. Mary Louise Longoria, Director of Community Affairs, California Association for Bilingual Education, Los Angeles, California; Dr. Sherryl Graves,* Assistant Professor, Department of Educational Foundations, Hunter College, and City University, New York; and Dr. Reuben Trinidad, Principal, William C. Overfelt High School, San Jose, California.

A Changing American Population

Both the ethnic and racial composition and the average age of the American population are changing. These changes reflect the higher growth rates of minority populations, especially the Hispanic and Asian populations, in comparison with the white population. They also reflect aging among the general population.

As a result of their faster growth rates, minorities are becoming a greater proportion of the American population. The minority population is becoming increasingly Hispanic and Asian, with blacks making up a declining percentage of the minority population. Among minorities, the Asian population has increased the fastest, followed by the Hispanic population, and then the black population.[3] For Asians and Hispanics, immigration has been the driving force behind population growth, whereas for blacks and whites, the primary source of growth has been natural increase.

Before 1965 most immigrants to the United States came from Europe, but in recent decades more immigrants have come from Asia and Latin America.[4] This change occurred partly because of the Immigration and Naturalization Act of 1965, which eased immigration restrictions and made family reunification a priority,[5] and partly because of exoduses from countries in Asia and Latin America that have been politically unstable or economically depressed. A consequence of this shift in immigration patterns is that the percentage of foreign-born among Asians and Hispanics is very high.[6] Projections indicate that the percentage of foreign-born Asians and Hispanics is likely to remain high in years to come.

Although natural increase is contributing to the growth of the Hispanic and Asian populations, it is much less important than immigration. Growth among the white and black populations, on the other hand, is primarily the result of natural

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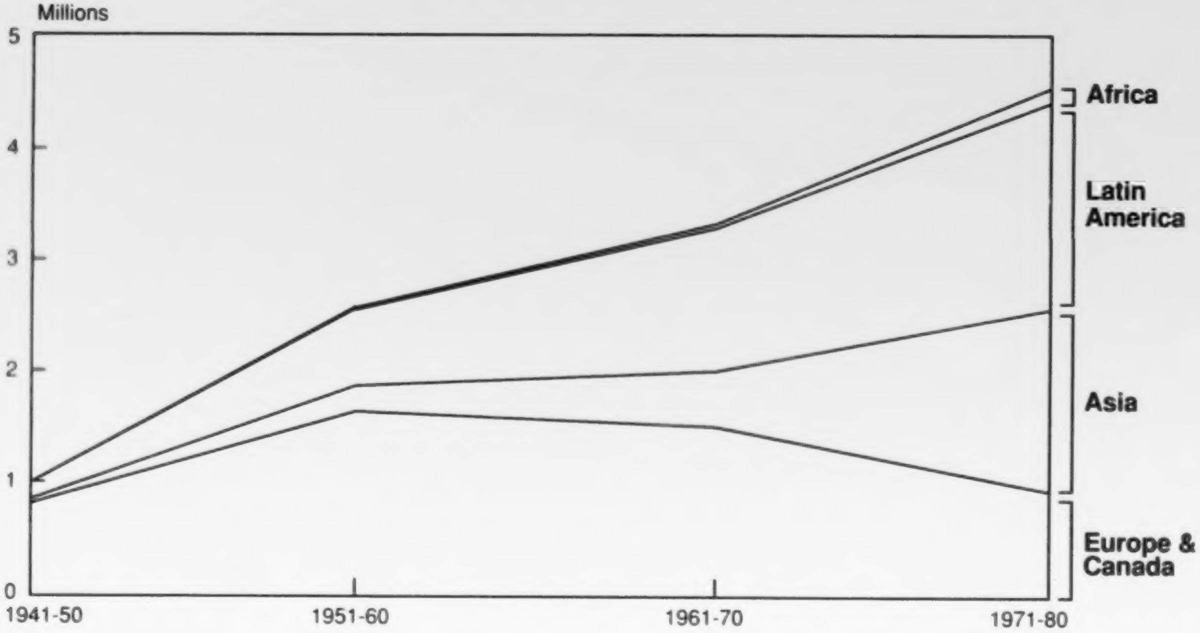
[3] William Butz, *Changing Perspectives on Civil Rights*, forum held by the U.S. Commission on Civil Rights in Los Angeles, Calif., Sept. 8-9, 1988 (cited hereafter as USCCR Forum).

[4] See fig. 2, immigration chart developed by the Commission and based on data from Immigration and Naturalization Service.

[5] Harold Ezell, USCCR Forum.

[6] See fig. 3, foreign-born persons chart developed by the Commission and based on Census Bureau data.

Figure 2
Immigration Trend: 1941-1980



Decade

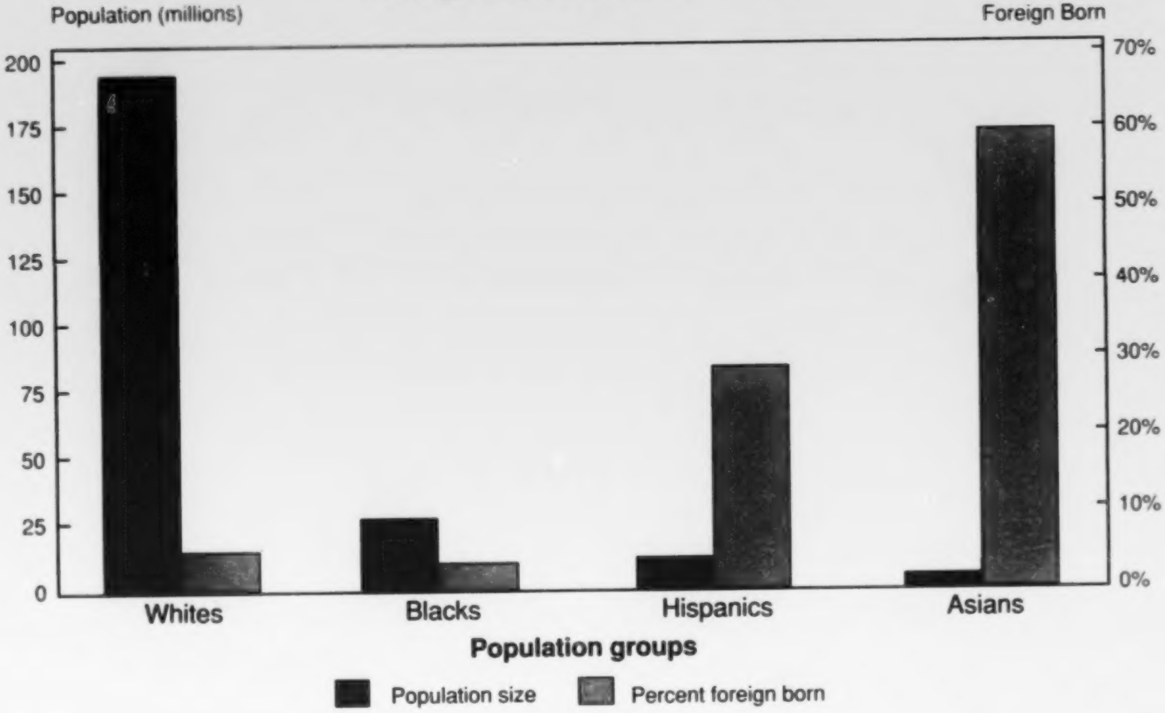


Figure 3
Foreign-born Population: 1980

increase. In 1988 immigration accounted for only 3 percent of the black population growth and 10 percent of the white population growth.[7] Natural increase was responsible for over 95 percent of the population growth among blacks and about 90 percent among whites.

In the future, natural increase will probably play a greater role in the growth of the Hispanic and Asian populations, because a significant percentage of these populations, immigrant and native, is young. For blacks and whites, on the other hand, rates of natural increase have been decreasing each decade, a trend expected to continue. As a result, it is expected that the Hispanic and Asian populations will continue to grow faster than the black and white populations.

The growth of the minority populations may be viewed as a national phenomenon, but it has occurred primarily in Southern and Western States[8] and in metropolitan areas.[9] In a few States where minorities are heavily concentrated, they may soon become a majority of the population, i.e., California and Texas. Currently, minorities constitute a majority of the population in a few metropolitan areas.

The average age of Americans will increase in the coming decades as a result of an increase in the number of older persons.[10] Minorities will contribute to the expansion of the older population, but whites will be responsible for most of the growth. This increase in the number of older persons is associated with the aging of the baby boom generation[11] and the "graying of America"—our longer life spans. As the baby boom generation ages, a cyclical expansion will result in each consecutive age group of the older population. This phenomenon will continue until around the year 2050, when the baby boom generation will have largely passed through the life cycle. At that time, the older population is expected to start shrinking.

Ethnic Diversity

Ethnic differences within population groups become more prominent as immigration increases the number of foreign-born

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[7] Harold Ezell, USCCR Forum.

[8] See fig. 4, regional population dispersion chart developed by the Commission and based on Census Bureau data.

[9] See fig. 5, metropolitan and nonmetropolitan dispersion chart developed by the Commission and based on Census Bureau data.

[10] See fig. 6, age chart developed by Commission and based on Census Bureau data.

[11] Terminology used to describe the bulge in the American birth rate that began in late 1940s and ended in the mid-1960s.

Figure 4
Regional Dispersion: 1980

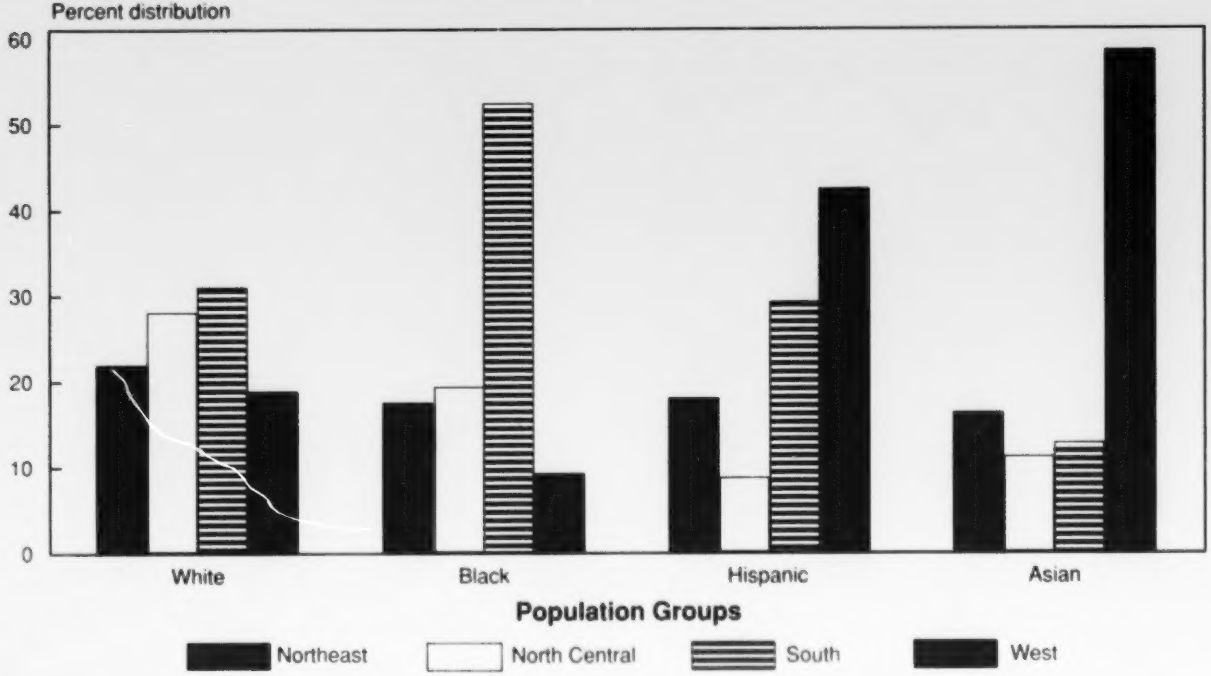


Figure 5
Metro-Nonmetro Dispersion: 1980

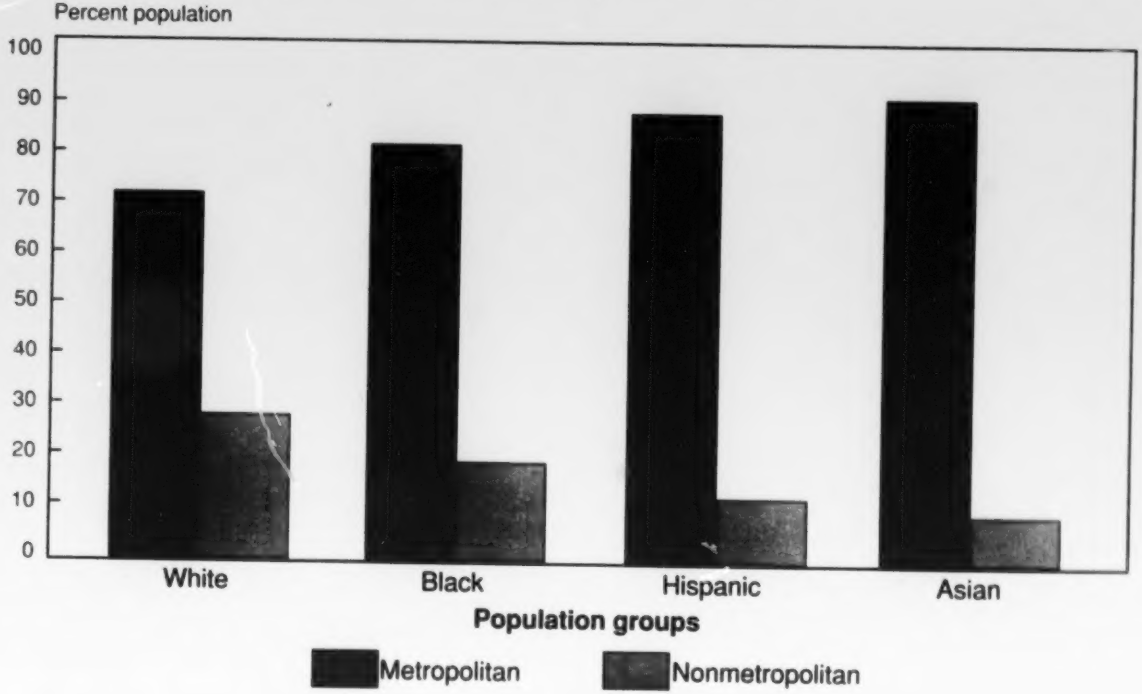
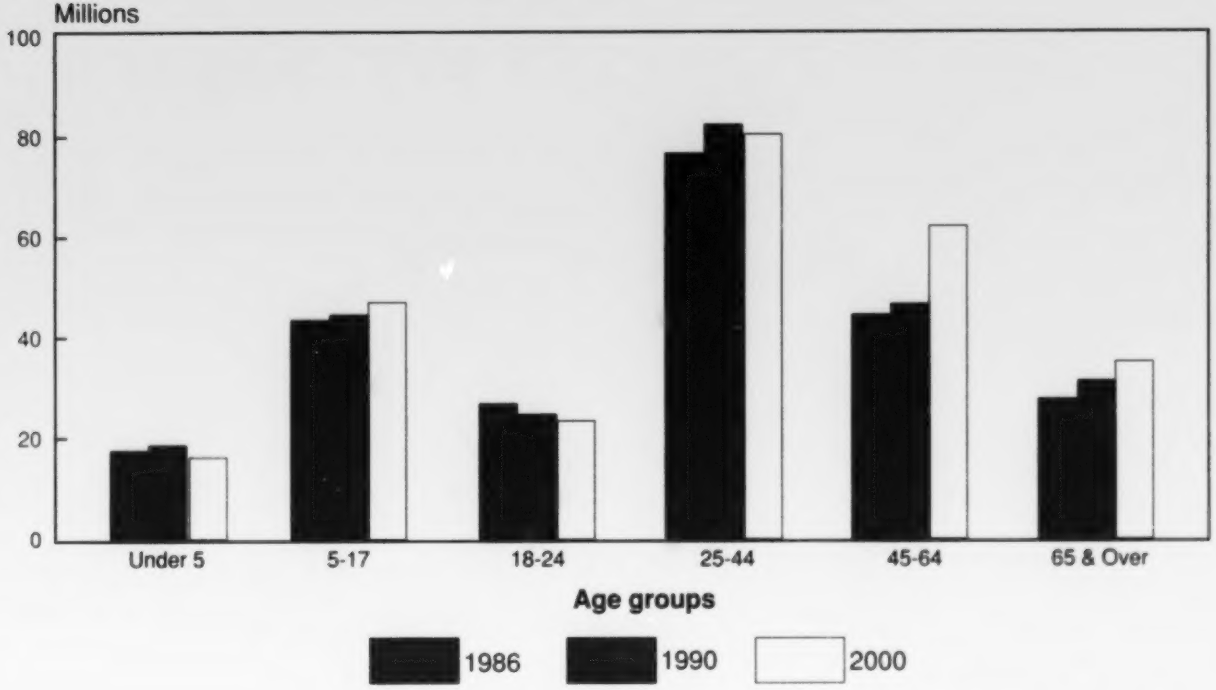


Figure 6
Age Distribution: 1986, 1990, and 2000



persons with diverse national characteristics (e.g., language, customs, etc.).[12] Currently, ethnic diversity is greatest among the Hispanic and Asian populations, which in recent years have grown significantly as a result of immigration. There is much less diversity among the black and white populations. One possible cause of this difference may be that the longer immigrant groups remain in the United States, the more their ethnic diversity or identifiable national characteristics tends to diminish.

In the case of whites, the number of new immigrants from Europe declined significantly following the restrictive immigration laws of the 1920s,[13] creating a downward trend in the percentage of whites who were foreign born. Meanwhile, earlier immigrant arrivals and their progeny were continuing the process of assimilating American national characteristics. As for blacks, the prominence of ethnic diversity may have been low because there have been few new immigrants from Africa and the Caribbean since the abolition of the slave trade, and because the ethnic diversity of earlier black arrivals and their progeny was purged as a consequence of the institution of slavery.[14]

Awareness of the ethnic diversity within population groups may be important when examining whether a particular population group has achieved equal opportunity under the law. Some studies have been criticized for not differentiating among Hispanic and Asian subgroups—such as Puerto Ricans and Mexicans, and Filipinos and Chinese—and, as a result, failing to uncover problems facing less fortunate subgroups within larger populations.[15] Similar problems may exist with studies that combine all blacks or all whites. To some, aggregating blacks and whites is less problematic because ethnic diversity within these populations is perceived to be relatively inconsequential. However, one panelist argued that America must seek policies to deal with justice and equal opportunity for all ethnic subgroups, including those in the white and black populations as well as those in the Hispanic and Asian populations.[16]

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[12] The Commission has published two reports that consider ethnic diversity within larger population groups: *The Economic Status of Americans of Asian Descent: An Exploratory Investigation* and *The Economic Status of Americans of Southern and Eastern European Ancestry.*

[13] Harold Ezell, USCCR Forum.

[14] See fig. 3. The number of immigrants from Africa and Europe has increased over the past couple of decades; however, immigrants continue to make up small proportions of the black and white populations.

[15] Roger Daniels, USCCR Forum. See also Commission report, *The Economic Status of Americans of Asian Descent: An Exploratory Investigation,* which demonstrates how important differences are among groups and between native-born and foreign-born persons.

Summary

The ethnic and racial composition of the American population is changing because of higher rates of immigration and natural increase among the Asian and Hispanic populations in comparison with the black and white populations. The high rates of growth for Asians and Hispanics are primarily the result of high immigration rates although these groups also have high rates of natural increase. The high rates of immigration for Asians and Hispanics are also increasing the attention given to ethnic diversity within population groups. Alongside these changes in the ethnic and racial composition of the population, the average age of the population is increasing, especially for the white population, because of the aging of the baby boom generation and the lengthening of the average life span. As a result of these demographic changes, in the early 21st century the older population will be predominantly white and the younger population will be increasingly minority. The effect of these changes will probably be greatest in metropolitan areas and in States in the southern and western regions of the country.

Political Participation

The demographic changes taking place in the American population may present difficult challenges to policy makers because the interests of the relatively young minority populations and the relatively old white population may differ.

Whereas America's minority populations are relatively young, and many minority members live in poor socioeconomic conditions, the white population is generally older and more affluent. As a result of these differences, the interests of the minority and the white populations may diverge. A large proportion of the minority population is likely to be interested in issues that are of concern to the less affluent and to the young, such as public funding for education, housing, and job training. A majority of the white population is likely to have other concerns, such as lower taxes, increased public safety, better medical care, and higher social security benefits. This association of age and socioeconomic status with race and ethnicity may lead policy makers to evaluate closely the potential advantages and disadvantages of funding programs benefiting the younger minority population at the expense of the older white population, or vice versa. Current debates over social security policy are an example. To the extent that many of these issues are perceived as having a racial or ethnic component, they will be even more difficult to resolve. In any case, policy makers will need to make adjustments to meet the needs of a changing population.[17]

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[16] John Kromkowski, USCCR Forum.

Voter Participation

Policy makers tend to be more responsive to the voting population than to the nonvoting population. Voter participation is lower among minority populations, especially the Hispanic and Asian populations, than the white population. In some jurisdictions—even those in which minorities are heavily concentrated—a noticeable discrepancy exists between the number of minority persons and the number who vote. As a result, minorities may have less influence on public policy than would be expected from their population size.

Historical, economic, and social barriers may limit political participation by minorities.[18] Low voter participation may also be caused by political apathy or the feeling that political participation is not worthwhile.[19] The low average age and the high proportion of noncitizens also reduce the voter participation rates of the Hispanic and Asian populations.[20] Voter participation of these groups, especially that of immigrants, may also be affected by language barriers.[21]

Low voter participation by any population group may have a profound effect on governments' responsiveness to their concerns. For instance, in California, minorities are 40 percent of the population but only 15 percent of the voters; they are asking for better public schools and highways.[22] On the other hand, whites are only 60 percent of the population but 85 percent of the voters; they are demanding lower taxes and tougher anticrime measures.[23] The higher voter participation of whites gives them more influence on the political process than would be predicted based on their relative population sizes, and the lower voter participation of minority groups gives them less. As a result, some argue that policy makers are torn between satisfying the demands of the voting population, mostly white, and those of the general population, increasingly minority.[24] This phenomenon may be most important for Hispanics and Asians because, in California and elsewhere, their voter participation is the lowest.

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[17] Joyce Leanse, USCCR Forum.

[18] Melanie Lomax, USCCR Forum.

[19] Thomas Elias, USCCR Forum, and Dan Walters, USCCR Forum.

[20] Bruce Cain, USCCR Forum.

[21] Gerald Jones, USCCR Forum.

[22] Dan Walters, USCCR Forum.

[23] Ibid.

Voter registration and education programs may increase the voter participation of different population groups and thereby increase their influence on the political process. Governments may be able to assist in this effort by systematizing voter registration and education programs.[25] On the other hand, some feel that governments are likely to be ineffective at increasing voter participation because they are likely to follow their partisan self-interest.[26] For example, legislators may defend the status quo because they think that the potential new voters do not share their political views and may not vote to reelect them.[27] Another problem that may develop from efforts to increase voter participation is that persons seeking political office may attempt to exploit newly registered voters.[28]

A second way to increase a population group's influence on the political process may be to concentrate the group's voting potential. Many jurisdictions are shifting from at-large elections to single-member district elections to increase minority representation and, as such, their political influence. Some believe that single-member districts have generally increased minority representation. Switching to single-member districts may pose problems, however. A practical problem that might arise is determining the percentage of minority voters in a single-member district that is large enough for the minority group to elect a representative.[29] Another difficulty in drawing districts is that some groups, especially Hispanics, are not concentrated in one area but are spread out among the rest of the population.[30] In some cases, single-member districts may fall short because of divergent interests within minority groups.[31] For instance, native-born and foreign-born Hispanics may live in the same electoral district, but they may have very diverse opinions on bilingual education, immigration, and so on. Shifting to district elections may also make it more difficult to resolve problems whose impact expands beyond the borders of a particular district.[32] Finally, political gerrymandering may occur when election districts are drawn for single-member district elections.

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[24] Ibid.

[25] Melanie Lomax, USCCR Forum.

[26] Dan Walters, USCCR Forum.

[27] Ibid.

[28] Richard Dinkins, USCCR Forum.

[29] Robert Brischetto, USCCR Forum.

[30] Sandy Estrada, USCCR Forum.

[31] Bruce Cain, USCCR Forum.

A third approach to increasing minority representation and hence minority influence on the political process is to increase the number of minorities campaigning for public office.[33] A growing young Hispanic leadership at the local level may provide the future political leaders of the Hispanic community.[34]

Enforcement of Voting Rights

Before 1982 the enforcement of the Voting Rights Act primarily worked to tear down barriers to political participation by blacks in the South. These efforts are continuing, but the recent influx of immigrants is drawing more attention towards the political participation of "language minorities"—persons whose native language is not English.[35] Section 203 of the Voting Rights Act of 1982 requires that languages other than English be used in electoral processes where a certain percentage of the population is a language minority. Section 203 is scheduled to expire in 1992.[36] Some argue that careful consideration should be given now to the need for extending or modifying section 203 to protect the voting rights of language minorities.[37]

In addition to enforcement of the voting rights of language minorities, more attention may also be focused in the future on the increasing number of jurisdictions that are shifting to single-member districts from at-large districts.[38] In such cases, enforcement will be concerned primarily with the racial and ethnic makeup of the redrawn electoral districts and with efforts to prevent political gerrymandering. Jurisdictions should consider carefully what electoral process or combination of processes is best suited for their particular needs.[39] In instances where there may be questions about voting rights, the preclearance provision of the Voting Rights Act may be a good tool for resolving the problems.[40]

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[32] Francine Rabinovitz, USCCR Forum.

[33] Sandy Estrada, USCCR Forum.

[34] Louis Freedberg, USCCR Forum.

[35] Gerald Jones, USCCR Forum.

[36] Ibid.

[37] Ibid.

[38] Ibid.

[39] Ibid.

Summary

For a government to be responsive to its citizens, political participation by all groups is essential. In the coming years, the minority populations, on average younger, and the white population, on average older, may present competing interests to the political process. Yet, minorities are likely to continue to have low voter participation rates in comparison with the white population and as a result to have less influence on the political process than would be expected on the basis of their numbers. The political influence of minorities might be increased by voter registration drives and educational programs, and by concentrating potential minority voters by switching from at-large to single-member district elections. As efforts to increase minority voter participation are made, agencies charged with enforcing voting rights may have to monitor jurisdictions for partisanship and exploitation in new voter registrations. They also may have to look for political gerrymandering when single-member districts are used to concentrate minority voters.

A Changing Labor Force and Economy

By the turn of the century, the percentage of the American work force represented by minority, female, and older workers will have increased. In addition, the long-term shift of jobs away from the manufacturing sector towards the service sector will have continued. As a result, new issues concerning employment discrimination and enforcement may emerge.

Between 1986 and the year 2000 more than 92 percent of the growth in the labor force will be among minorities and women.[41] Most of these persons will be young first-time workers. Some, however, will be women reentering the labor force, and others will be recent immigrants. These changes will be accompanied by an increase in the number of older workers. In fact, by the year 2000 the median age of the work force is expected to increase to 38.9 years up from 35.3 years in 1986.[42] The percentage of workers between the ages of 35 and 54 is expected to rise, while the percentages of workers aged

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[40] Richard Dinkins, USCCR Forum. The preclearance provision of the Voting Rights Act authorizes the Department of Justice to monitor voter redistricting plans drawn up by States before implementation.

[41] Sam Hirabayashi, USCCR Forum.

[42] Ibid.

16–34 and 55 and over are expected to decrease.[43] There are several reasons for the decreasing numbers of younger and older workers, including a decline in the labor force participation rate of white men, who will be entering the labor force in smaller numbers and retiring earlier. These changes are expected to increase demand relative to supply for younger workers and to decrease demand relative to supply for older workers. For this reason, the salaries of younger workers are expected to increase relative to those of older workers.[44]

As in the past decade, the demand for labor is expected to continue to grow in the service sector and shrink in the goods-producing sector. Most of the 21 million new jobs created between 1986 and the year 2000 are expected to be in service industries.[45] A large percentage of these jobs will be created in business services, health services, and the retail and wholesale trades.[46] Some jobs will also be generated in other service industries, including finance, government, insurance, real estate, transportation, and public utilities.[47] In contrast to this expansion of the service sector, the number of jobs in the goods-producing sector is expected to remain relatively constant, with the exception of employment in construction and a few areas of manufacturing, which is projected to increase.[48]

An important consequence of these employment trends is that job displacement may occur because of a shift in the type of skills needed in the job market. This displacement will affect all groups; however, the consequences will probably be greatest for blacks and Hispanics, who are heavily employed in goods-producing jobs for which demand is projected to decline.[49] Among women, the displacement may be much less because a large proportion of women work in service industry jobs for which employment is projected to increase.[50]

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[43] Ronald Kutscher, "Overview and Implications of the Projections to 2000," U.S. Department of Labor, Bureau of Labor Statistics, Bulletin 2302, March 1988. After the year 2000, the aging of the baby boom generation will likely increase the number of workers over 55, and the number of workers between the ages of 35 and 54 will likely decline as the baby boom generation is replaced in that age group by the smaller generation that follows them.

[44] Jonathan Leonard, USCCR Forum.

[45] Ronald Kutscher, "Projections to 2000."

[46] Ibid.

[47] Ibid.

[48] Ibid.

[49] Sam Hirabayashi, USCCR Forum.

[50] Ibid. Women are not well represented in some highly skilled service sector occupations such as engineers and scientists.

Many of the new job opportunities will also require higher levels of skill.[51] In fact, more jobs may require a minimum of some college training, while jobs requiring a high school diploma or less may be harder to find. Immigrants may be affected most by this trend because many of them, especially Hispanic immigrants, are low skilled.

Job training and education programs may help new, displaced, or immigrant workers find jobs in the service sector. Some employers may be willing to provide job training to persons who have historically been victims of discrimination.[52] As an example, the Equal Employment Opportunity Commission (EEOC) has been promoting employer job training in some recent settlements reached with employers found liable for past discriminatory employment practices.[53]

Employment Discrimination

A potentially significant factor for employment discrimination is the influx of immigrants, particularly Hispanics and Asians. Many immigrants are willing to accept almost any employment, and thus they may be discriminated against by other workers who may view them as a threat.[54] The Immigration Control and Reform Act of 1986 (IRCA) may aggravate discrimination against immigrants: the employer sanctions instituted by IRCA have been criticized for making employers fearful of hiring foreign-looking and foreign-sounding immigrants even though the law has an antidiscrimination clause.[55]

The increase in the number of older workers may bring age discrimination issues to the forefront in coming decades. As we move into the next century, older workers will make up a larger proportion of the labor force, and one-half of all workers will be covered by the Age Discrimination Act.[56] The projected shift in the type and level of skills needed in the job market may cause some employers to be reluctant to hire older workers or to seek to remove older workers from their work forces sooner. The expense of retraining older workers may be the primary reason for this bias. The increase in the number of older workers may also focus more attention on issues relating to retirement and pensions.[57]

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[51] Ibid.

[52] Rosalie Silberman, USCCR Forum.

[53] Ibid.

[54] Bruce Ramer, USCCR Forum.

[55] Ibid. See U.S. Commission on Civil Rights, *The Immigration Reform and Control Act: Assessing the Evaluation Process* (September 1989).

[56] Jonathan Leonard, USCCR Forum. See also Rosalie Silberman, USCCR Forum, and Commission's "Statement on Aging."

In some cases, as happened in the past, civil rights laws may be broadened to reflect changing concerns.[58] Increases in the number of minority and female workers may bring new employment issues to the forefront. The rise in the number of working women may intensify the debates over child care, comparable worth, and unisex funding of pension and health insurance;[59] and the rise in the number of non-English-speaking immigrants may heighten interest in the use of multiple languages in the workplace.[60]

Enforcement of Equal Employment Laws

Demographic changes and changes in the economy may have important consequences for Federal enforcement of equal opportunity laws. More minority, women, and older workers may result in more incidents of employment discrimination, thus stretching Federal resources for monitoring and enforcement. Increases in employment in the service sector also may affect enforcement because many service sector jobs are characterized by high turnover and short durations, and tend to be in small businesses.[61] These factors may make it more difficult to establish discrimination in employment practices.[62] The trend towards subcontracting of jobs may make it more difficult to enforce antidiscrimination laws by blurring the distinction between employer-employee relationships and contracts between firms.[63] The growing percentage of American businesses owned by foreign corporations may also hinder enforcement because of treaties that exempt multinational companies from antidiscrimination laws with respect to their top level officials.[64]

Summary

In the coming years, the American economy will undergo significant changes. First, minority, female, and older workers will become a greater proportion of the labor force. This change may cause a rise in the number of incidents of employment discrimination and may also bring some latent employment issues to the forefront. In some instances, laws may be modified to meet these heightened concerns. Second, the economy may experience a further shift in employment to the service sector from the goods-producing sector. As a result, many new jobs will require higher levels of skill and have high turnover rates, and low-skilled, low-turnover jobs will become scarcer. These changes in the economy may impede the enforcement of the equal employment opportunity laws by straining the Federal resources available for enforcement and by making it more difficult to establish discrimination.

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[57] Ibid.

[58] Rosalie Silberman, USCCR Forum.

[59] Ibid.

[60] Ibid.

[61] Jonathan Leonard, USCCR Forum.

[62] Ibid.

[63] Ibid.

[64] Ibid.

Education

In some areas of the country, the composition of the student population in public schools is changing dramatically. This change reflects an increase in the number of minority students and a decline in the number of white students and is likely to present public school officials with several challenges in coming decades.

The minority student population is experiencing significant growth due to the large number of school-age immigrants who have come to the United States in recent years. In many school districts, immigrant students are adding significantly to student populations that are already increasingly minority. The composition of student populations is also being affected by a decline in the number of white students. The primary causes of this decrease are a decline in the number of school-age whites and "white flight" to suburban areas and private schools. Considering the high percentage of school-age children who are minorities and the projected continued immigration to the United States, the current trend in public school enrollment may continue well into the 21st century. In many public school districts, minority students may make up a majority of the student population.

The changing racial and ethnic composition of the student population may make predominantly older, white voters reluctant to fund public education at previous levels, hurting minority students.[65] On the other hand, since today's students will make up the future labor force whose taxes will fund social security payments for the older population,[66] older voters may view public education as a good investment, and funding better public education will become less expensive as the student population shrinks relative to the working population.

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[65] Dan Walters, USCCR Forum.

[66] Antonio Serrata, USCCR Forum.

Educational Challenges

The demographic changes in student populations will present various challenges to public school officials. Confronted with possible decreased funding for education, many school districts also are experiencing high dropout rates among minorities.[67] This phenomenon is even greater among Hispanic immigrant students because many lack English-language skills, a factor that may be their greatest single barrier to learning. In some schools, the solution to this problem has been to segregate the language minorities into low-level curricula,[68] an approach that has received some criticism. Some schools that have been successful in educating language minorities provide instruction to students in their native languages from kindergarten through third grade.[69] Some effective schools also integrate language minorities into classrooms with English-speaking students and use instructional methods that rely on group activities.[70]

Advocates for language minorities suggest that to implement effective educational programs for language minorities, a comprehensive assessment of their needs should be conducted,[71] and when appropriate, alternative policies and methods should be considered to ensure the best instruction possible.[72] Advocates for language minorities have observed that these students should have access to English instruction and cultural orientation.[73] Even opponents of teaching students in their native languages tend to support transitional bilingual education.[74] Some public school officials suggest that the success of any program for language minorities will require leadership from high school principals,[75] participation by parents,[76] and strong staff training and development.[77]

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[67] Manuel Justiz, USCCR Forum.

[68] Eugene Garcia, USCCR Forum.

[69] Ibid.

[70] Ibid.

[71] Ibid.

[72] Mary Longoria, USCCR Forum.

[73] Eugene Garcia, USCCR Forum.

[74] Samuel Diamond, USCCR Forum.

[75] Reuben Trinidad, USCCR Forum.

[76] Ibid.

[77] Eugene Garcia, USCCR Forum.

Educational Attainment

Educational attainment has improved among minorities at the secondary level, reflected in a continuing increase in the percentages of minority students who graduate from high school. Although this improvement has been continuous, the rate of progress has been uneven across groups. In particular, the gains made by Hispanics are less than those made by blacks and whites. In fact, as of 1987 only 51 percent of Hispanics 25 and over had completed high school, compared with 77 percent of whites and 64 percent of blacks.[78]

Despite more minority high school graduates, the college participation rate for minorities has decreased except for Asians. There are several reasons for this decline, including insufficient financial assistance and limited recruitment.[79] College participation rates of minorities may be increased by providing minority high school students with college preparatory curricula, coaching for college entrance examinations, and information on financial assistance.[80] Some contend that underrepresentation of minority students in graduate programs may be attributed to a dearth of minority faculty.[81] Many colleges and universities are promoting affirmative action programs and setting goals to recruit minority students. Regardless of the efforts used to increase minority enrollment, other programs, such as tutorial and orientation programs, may be necessary to retain them.[82] In a few cases, "quotas" may have been used to limit the admissions of highly qualified Asian students.[83]

Summary

Black, Hispanic, and Asian students are an increasing proportion of the student populations in many school districts, because of an influx of school-age immigrants and a decline in the number of school-age whites. Many immigrant students do not speak English. As a result, alternative strategies and programs may be necessary to teach these students English while keeping their educational levels in other subjects on a par with that of their English-speaking peers. The changing racial and ethnic composition of the student population and the overall decline in the number of students may lessen the importance attributed to public education by older white voters, who may be more concerned with other social issues. Educational attainment is improving among all groups, but continued progress, especially for minorities, will depend significantly on current public policy decisions about public education.

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[78] U.S. Department of Commerce, Bureau of the Census, *Statistical Abstract of the United States: 1989* (109th edition.) (Washington, D.C, 1989), p. 131.

[79] Sherryl Graves, USCCR Forum.

[80] Ibid.

[81] Ibid. Harold Webb, as well as several persons who spoke during the open session, indicated that black doctorates are experiencing discrimination in the tenure process at many leading colleges and universities.

[82] Ibid.

[83] Henry Der, USCCR Forum. The Department of Education Office for Civil Rights is currently investigating allegations that "quotas" are being used at some colleges as a barrier to admissions for many highly qualified Asian students.

Intergroup Relations

Racial, ethnic, and religious harassment have been increasing over the past decade. Incidents have been reported and documented in communities, public schools, colleges and universities, and against churches and synagogues around the country.[84] As in the past, bias-related acts have included defacement of property, verbal assaults, and physical attacks—some of which have resulted in death. In recent years, however, many of these acts have been directed toward Hispanic and Asian immigrants rather than towards blacks and Jews, as in the past. In fact, many bias-related incidents, most of which have been committed by persons under 18 years old, have involved either confrontations between immigrants and other ethnic groups or isolated attacks on immigrants.[85] A primary cause of this increase in harassment may be the influx of immigrants, who are making Hispanics and Asians more visible and increasing competition for jobs and public services.[86] In addition, many of the recent immigrant arrivals do not understand English and their inability to communicate with other groups may heighten ethnic and racial tensions.[87]

Federal, State, and local governments have initiated various programs to alleviate some of the problems faced by many recent immigrants. One of the most prominent and controversial projects has been the provision of some public services in languages other than English. To counter this trend, the official English movement has sought a constitutional amendment that would make English the official language of the United States and require the use of English only in government services. The official English movement has been criticized for aggravating racial tensions by equating language ability with loyalty to the country.[88] Opponents also have charged the movement with using the issue to promote prejudice, divisiveness, negative stereotypes, and misinformation.[89] Movement advocates counter that although other languages and cultures should be preserved, preserving them is not a public responsibility but rather a private one.[90]

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[84] Yolanda Eubanks, "Changing Perspectives on Civil Rights Position Statement," USCCR Forum. Pagodas or Buddhist temples have also been the targets of harassment.

[85] Bruce Ramer, USCCR Forum.

[86] Irvin Lai, USCCR Forum.

[87] Ibid.

Hate Group Activity

After a period of decline, in recent years there has been a resurgence of racial violence by hate groups. This increase in bias-related activity may be attributed to "desperation" on the part of traditional racist groups whose stature has been declining and the emergence of the "Skinheads," who may be part of a strategy to rebuild the hate movement.[91]

Reports on the Skinheads show that they are primarily teenagers—some as young as 13 and 14—who have an affinity for Nazism, are xenophobic, and are involved in violent activity.[92] It is estimated that they may have up to 1,500 members who comprise 20 to 25 groups in about 12 cities.[93] Some young people may join the Skinheads because they are exploited by the older, more organized hate group leaders who convince them that the white race is threatened with extinction by the growth of the minority populations.[94] The young people may be motivated by resentment of people different from themselves or alienation from society.[95]

Combating Harassment and Hate Group Activity

The resurgence of hate group activity has prompted the Federal and State governments to take several steps to counter the problem. At the Federal level, Congress is considering a Hate Crimes Bill, which establishes criminal penalties for crimes motivated by religious bigotry, and is considering a

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[88] Richard Castro, USCCR Forum, and Bruce Ramer, USCCR Forum.

[89] Yolanda Eubanks, USCCR Forum.

[90] Stanley Diamond, USCCR Forum.

[91] Betsy Rosenthal, "Changing Demographics: The Perspective of Civil Rights Organizations," USCCR Forum.

[92] Ibid.

[93] Ibid.

[94] Ibid.

[95] Ibid.

Hate Crimes Statistics Bill, which would establish a Federal mechanism for recording all hate crimes.[96] Many police departments have also established special bias units to investigate incidents of bias-related crimes.[97]

To improve intergroup relations, governmental jurisdictions, both in the United States and in Canada, have initiated programs to facilitate access to public services by removing barriers stemming from discrimination, organizational complexity, or language differences.[98] These efforts include working with advisory groups to ascertain the specific concerns of certain ethnic and racial communities, hiring members of the different ethnic and racial groups to work with their communities, providing English-language training and translated materials for language minorities, and paying bonuses to employees who are bilingual.[99] Some jurisdictions, such as Los Angeles in this country and Toronto in Canada, are also starting affirmative action programs that will increase the number of minority workers in government.[100] An objective of the Toronto City Council is to change the government work force to better reflect the ethnic and racial composition of the population.[101]

State and local governments may also improve intergroup relations by creating task forces to determine the scope of bias-related problems and to make recommendations, training local officials in the problems of intergroup relations, and developing victim assistance programs for persons injured in bias-related crimes.[102] Public officials can also help reduce the harassment and violence among young people by implementing "prejudice reduction" programs[103] that could be introduced to children in the early grade levels. These programs would teach children about the history and the context of ethnic and racial hate, and the meaning of diversity and pluralism.[104] Private organizations can also assist in these efforts. The Anti-Defamation League of B'nai B'rith has already created an educational and media program called "A World of Difference" to reduce community racial, religious, and ethnic friction.[105] In addition, some organizations are supporting "English Plus" programs that promote the learning and fluent use of English, not its exclusive use.[106] The media has the potential to shape individual attitudes and improve intergroup relations[107]

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[96] Bruce Ramer, USCCR Forum.

[97] Yolanda Eubanks, USCCR Forum.

[98] Janice Dembo, USCCR Forum.

[99] Grace Davis, USCCR Forum.

[100] Ibid. See also Janice Dembo, USCCR Forum.

[101] Janice Dembo, USCCR Forum.

[102] Bruce Ramer, USCCR Forum.

[103] Ibid.

[104] Ibid.

[105] Betsy Rosenthal, USCCR Forum.

Summary

Racial, ethnic, and religious harassment is making a resurgence. Bias-related acts are increasingly directed at Asian and Hispanic immigrants. Some traditional racist groups are responsible for the resurgence, along with an emerging group of young people known as Skinheads. The Federal and State governments have put forth several initiatives to counter this resurgence. Considering the current trend in immigration to the country, Federal and State governments may have to increase their efforts to deal with these activities in the future. Additionally, it may be necessary for governments and private groups to increase their efforts to improve intergroup relations. The media can play an important role in these efforts by improving their portrayal of various groups and intergroup relations in society.

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[106] Yolanda Eubanks, USCCR Forum.

[107] Bruce Ramer, USCCR Forum.

Proceedings

CHAIRMAN ALLEN. Good morning. I am pleased to call this meeting to order, this forum on "Changing Perspectives on Civil Rights," which is the first of three being held by the United States Commission on Civil Rights. I am, as a Californian, particularly delighted that we are opening here in Los Angeles, in my front yard, so to speak, and I am delighted that so many of you are here with us this morning, and we will be looking forward to very many others in the course of the sessions of the next 2 days.

Many people have wondered what this is about and, indeed, even who we are. So let me begin by introducing us, and I can complete the introductions now as our last member who joined the panel is here.

I should first like to introduce you to the Commissioners. I will say, before beginning that, that we do have services available for the hearing impaired. So if there is anyone present who requires those services, we would very much appreciate your signaling your presence to us, so that the interpreter can make some judgment as to how vigorously to pursue his assignment this morning. Thank you.

Now, to meet the Commissioners, beginning at my far left is Commissioner Francis Guess from the distinguished State of Tennessee.

[Applause.]

Seated next to Commissioner Guess is Commissioner Esther Buckley from Laredo, Texas.

[Applause.]

Next to Commissioner Buckley is Vice Chairman Murray Friedman from Philadelphia.

[Applause.]

And to my right, Commissioner Robert Destro from Washington, D.C.

[Applause.]

Next to Commissioner Destro, the newest member of the Commission from San Marino, in whose front yard also we are, Commissioner Sherwin T.S. Chan. Welcome aboard, Sherwin.

[Applause.]

And then at the far right, Acting Staff Director for the Commission, Susan Prado.

[Applause.]

I am Bill Allen.

I wanted to say respecting the program itself only two brief words. If you saw yesterday's *Los Angeles Times*, you would have perhaps noted, as I did, three stories of relevance to what we are about here.

One of the stories, the first to catch my attention, was the headline, "Minorities Now a Majority in State Schools." In that story you have a lengthy discussion, citing primarily the State superintendent of education, indicating that there are certain challenges that confront us as a result of this fact.

Following that, my eyes next lighted upon a story which has the headline, "Census Bureau Says More Latinos Finish Education." The story goes on to say that this fact is somewhat of a surprise to many people, but then it breaks the demographic categories down in such a way as to show that there is a reasonable and expected explanation for it.

The third story is a story which has the headline, "Black Official Settles Bias Claim for $90,000."

Now, the reason these three headlines struck my attention and I call them to your attention now is because they say a lot about the purpose of these forums. We wish to know where civil rights is headed, and the newspaper headlines give us the indication that there are challenges and changes as well as some persistent phenomena.

Our purpose here, as it will be in Nashville and Washington, D.C., in subsequent regional forums, is to find out what the balance of the changing and the persistent is in dealing with the question of civil rights in the United States. You will hear much more about this from the subcommittee of the Commission, which has designed and organized these forums.

But before we do that I wish to invite the Deputy Mayor of the City of Los Angeles, the Honorable Grace Davis, who is with us this morning, to welcome us on behalf of His Honor, the Mayor of Los Angeles, Thomas Bradley.

Grace.

Welcoming Statement of Grace Davis, Deputy Mayor, Los Angeles

Ms. DAVIS. Thank you very much, Commissioner.

On behalf of Mayor Tom Bradley, I'd like to welcome all of the Commissioners to Los Angeles and to thank you for having selected Los Angeles for this forum.

The presenters today that you will hear are going to provide the Commissioners with a balance of perspectives concerning the changing demographic trends and their implications on civil rights and equal opportunity issues.

Over 20 years ago civil rights legislation and Executive orders struck down long-standing barriers to equal opportunities for minorities and women in such areas as employment, education, and the use of public accommodations. We agree that the civil rights revolution over the past few decades has transformed race relations and assured greater opportunities for minorities and women, among others. However, we are cognizant of the fact that complaints of discrimination are increasing.

The panels will discuss future civil rights issues and how those issues might best be addressed, as well as continuing civil rights problems and our efforts to resolve them. Also to be discussed will be changes in demographics and what impact those changes will have on society, as well as proactive measures that have been taken to ensure that the civil rights gains are protected.

As this information is shared at this forum, it is our hope and expectation that we will all leave with a better understanding of what we are faced with now and in the future, and what the implications are with respect to civil rights issues.

Again, I want to thank you and on behalf of the mayor wish you success in your deliberations on both days that you will be here in Los Angeles. I hope you enjoy your stay, and if there is anything we can do to assist you, please call us and I will be back with you this afternoon.

Muchisimas gracias.

CHAIRMAN ALLEN. Thank you very much, Grace. It's a delight to be welcomed to Los Angeles so charmingly.

I wish now to introduce to you again Commissioner Robert Destro, whose task it is this morning to tell you what the background is for these forums.

Forum Background, Commissioner Robert A. Destro

COMMISSIONER DESTRO. Thank you, Mr. Chairman. It's a pleasure to be here, and we do thank the good people of Los Angeles for hosting this for us.

The regional forums project on Changing Perspectives on Civil Rights began as an exchange of memoranda between various Commissioners on how the Commission should look to the future of civil rights. The memoranda were divergent. They took very different approaches to the topic of civil rights and split along what might be considered traditional liberal, conservative, and moderate routes. The differences were basically in two areas: the conceptualization of the problem itself and the basic approach to solving the problem once envisioned. So what was decided was that we would put together a subcommittee that would try and take an approach to the problem that would take into account a wide range of perspectives on the issue of where civil rights is going in the future.

We kept in mind, as we designed this program and the programs which will follow on the relationships of economics and civil rights policies, which is scheduled for Nashville in December, and a later forum, which will be probably in the spring of next year in Washington, D.C., devoted to directions in civil rights policy, that the Commission historically has played a role as a bellwether of civil rights policy. If one goes back 31 years since its beginnings in 1957, the Commission has historically played the role of looking down the road to see what was needed as America changed. Throughout that period of time, we have seen that basically there have been really two issues: vision, "Where are we going and where should we be?" and trust, "How do we get there with the minimum of mistrust and difficulty?" That translates into trying to get people of divergent principle and good faith to work together in concerted efforts toward a better future for all of us.

So what we have done today is to try and put together a panel that will tell us: Where is the country going with respect to its demographics? How is the majority changing in this country? And what impact will that have on civil rights policy?

You will see, as the panelists come to speak with us this morning, that they range very greatly from government officials to civil rights organizations to media officials, and as we put together the panels, we invited quite a few people who for reasons of their schedule or for other reasons could not make it. We have a number of Federal officials in the first panel, Federal agency officials.

In the second panel we invited 16 scholars to make up a final panel of 7. In the second panel this afternoon of civil rights groups, we invited 16 and wound up with a panel of 8. And with respect to western regional mayors, due to schedule difficulties, we invited seven mayors from major cities around the western region, and we have a panel of three. Tomorrow we have a media panel; due to people's schedule difficulties, of the 17 invited, we only have 4. Of the voting rights and political participation panel that will be tomorrow, we invited 10 and wound up with a panel of 6.

So as you can see, the Commission staff, especially the Western Regional Office staff, did a yeoman's job of trying to coordinate divergent schedules and did an excellent job of putting together papers, which will eventually be published, and our able reporters will put together a transcript which will eventually be published as well, which can then be submitted to Congress and the President pursuant to the Commission's statutory mandate to advise.

At this point we can't say what the Commission will recommend or if it will recommend anything other than a close reading of this transcript and of this record. But what we are undertaking today, to repeat, is to start the process of talking

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about how things are changing and how that should affect civil rights policy in the future.

With that, I will conclude and invite the first panel to join us, the Federal agency officials: Dr. Kenneth Beirne, Mr. Sam Hirabayashi, Mr. William Butz, Vice Chairman Rosalie Silberman, and Howard Ezell of the INS. I am reading from my right basically to my left.

As we begin, let me just lay down what we'd like to do by way of ground rules. We'd like to have each speaker take about 15 minutes. If you want to go less, that's certainly fine with us. At about 9:35 we'd like to have some time for questions and answers. So it's about 15 minutes apiece and then questions and answers.

American Demographic Trends into the 21st Century: A Federal Perspective

COMMISSIONER DESTRO. So with no further ado, I'll turn to our first speaker, Dr. Kenneth Beirne, who is the Assistant Secretary for Policy Development and Research of the U.S. Department of Housing and Urban Development. Before taking his current position, he was a consultant, freelance writer, and financial advisor since January 1987. He has written on homeless, urban policy, and housing issues, as an adjunct scholar for the Heritage Foundation, and in the *New York Times*. Prior to his private sector activity, Dr. Beirne was the General Deputy Assistant Secretary for Policy Development and Research at the U.S. Department of Housing and Urban Development from 1984 to 1987, and Senior Advisor to the Deputy Under Secretary for Intergovernmental Relations from 1981 to 1984.

While at HUD, Dr. Beirne was involved in the development of major policy initiatives such as homeless policy, three national urban policy reports, resident management and home ownership of public housing, a series of demonstrations to improve the quality of life of public housing residents, housing vouchers, housing finance, improvement in the secondary market for mortgages, and economic development.

Dr. Beirne came to Washington from Kentucky in 1981. He taught urban policy and problems, American government, and political philosophy and ethics at Marquette University, Northern Kentucky University, and in adjunct positions at the University of Cincinnati and California State College–Dominguez Hills. He received a B.A. degree from the University of Notre Dame in 1968 and a Ph.D. in government from the Claremont Graduate School and University Center in 1973.

Dr. Beirne's background includes broad civic and governmental service at the local level in Kentucky and considerable activity in Republican politics and campaigns, including a stint as executive director of the Republican Party of Kentucky in 1980 through 1981.

We welcome you, Dr. Beirne, and look forward to your comments.

Statement of Kenneth J. Beirne, Assistant Secretary for Policy Development and Research, U.S. Department of Housing and Urban Development

DR. BEIRNE. Thank you very much, Mr. Commissioner and Mr. Chairman and members of the Commission.

I am very pleased to be able to be here and testify for the Department of Housing and Urban Development today. I discovered when we received the original invitation that I don't know how your demographers are, but our demographers tend to be an extraordinarily cautious lot, and the idea of projecting anything into the 21st century or so seemed to overpower them. So what you will find is that the written testimony that I submitted earlier tends to concentrate on two things. One is some of the current trends as far as information about demographics, especially the ones that are available to us through our usual information sources. Secondly, some discussion of some of the information-gathering problems.

One of the problems about talking about demographic trends into the next century or even over the next 15 or 20 years is that frequently enough we are not exactly clear what's going on now, so it can be pretty tough to try to figure out what's going to be going on 20 years from now. So I wanted to talk a little bit about that and what we're doing.

What I would like to do is submit the written testimony for the record and make a few comments based on that testimony, if that is all right with the Commission.

COMMISSIONER DESTRO. That is perfectly acceptable.

DR. BEIRNE. In the Housing Act of 1949, Congress established a goal of a decent home and a suitable living environment for every American family. As part of that, and as part of HUD's interest and concern for bringing about that goal, we believe that the enforcement of fair housing policies, which are designed to eliminate barriers that deny access to decent housing for some Americans, is critical in reaching the goal of decent housing.

However, there are also other barriers to achieving decent housing, decent homes, for all Americans, including Americans in various minority categories, including physical adequacy or inadequacy of housing units, crowded living conditions, and housing affordability. These are problems which are faced by

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many Americans, especially lower income households, many of which are minority households. These are addressed—and we have attempted to address these at HUD—through a series of policies and programs that should also be considered in assessing the implications for civil rights.

One of the concerns that we have, as you may have seen in some of the articles that have come out recently in relationship to demographics, is that there are some demographic characteristics of various parts of the population, such as blacks, Hispanics, and so on—characteristics such as the age of the population, the frequency of single-parent households headed predominantly by females, and so on—which have to be taken into account when you're talking about disparities in housing conditions of different portions of the population. One of the things that we are concerned about is to separate those out but also to look toward general policies which serve the entire population that has a low-income problem in such a way that civil rights disparities can be overcome.

The demographic statistics that we use mostly are from the American Housing Survey, which we contract with the Census Bureau to perform. I don't know how familiar anyone may be with the American Housing Survey, but roughly speaking we survey 45 to 48 major metropolitan areas over a 3-year cycle, and those results are then cumulatively available over time. They provide us with both the basis for determining rent levels for a number of the housing programs, but they also provide us with a longitudinal study of the housing stock and housing quality over many years, which enables us to keep some focus on the trends. It also provides us with information in the interim periods between the decennial censuses.

What is clear from the statistics is that the physical condition of the housing stock has consistently improved over the years, and there has also been a continuing decline in the number of households living in crowded units. Unfortunately, the success in dealing with such problems as the physical characteristics of housing and overcrowding has pointed out what is the predominant main problem that we have attempted to focus on in dealing with housing, and that is affordability. This continues to be a significant problem. I probably don't have to say much about that in California. It might be a harder argument to make in Cincinnati, but in California it's not a particularly difficult argument.

The increase in the total incidence of selected housing-related problems between 1975 and 1983 was due mainly to the occupants of rental housing being burdened with housing costs in excess of 30 percent of their incomes. Now, we have noted that, with the 1985 American Housing Survey information that is just becoming available now, the kind of blip up in housing-cost burden that occurred through the 1983 American Housing Survey has turned its direction.

However, unlike some of the critics who have tended to project housing results based on the movement from 1980 to 1983, we have a reluctance to project a new pattern based on the movement from 1983 to 1985, so we'd like to wait to see how these things work out. Roughly speaking, 2 years rarely makes a trend in anyone's situation. But we did note that there has been a change in the direction toward somewhat more affordability. I would point out, for example, that across the Nation we note now about an 8 percent vacancy rate in apartments renting for about $250 a month, which indicates a significant supply of housing at that level.

The changing demographics of households show increases in the number of lower income households for various segments of the population. Between 1975 and 1983, the total number of Hispanic-headed households increased 49 percent, with the number of very low-income Hispanic households increasing by about 61 percent. The number of Hispanic very low-income renters increased 75 percent.

There was also a 22 percent increase in the total number of black-headed households in the U.S. between 1975 and 1983, much of which occurred among households in the very low-income category.

I would like to point out there is a grammatical error in the written testimony I submitted on page 2. Where it talks about the 22 percent increase in the total number of black-headed households in the United States between 1975 and 1983, that should go on to say, "which was matched by the percentage increase among households in the very low-income category." It's not the case that all of the increase in black households occurred in the very low-income category, as you can tell from looking at the charts in the back. The shorthand got away with us in that one.

In any case, the number of black low-income renters did increase by 21 percent, which is roughly the same percentage as the increase in the number of black households.

These housing conditions of lower income renters and the disparities in the availability of housing for the very low-income renters are of special concern to HUD, and our subsidy programs and our assistance programs are directed specifically toward this segment of the population. We have endeavored over the last 6 to 7 years to get our housing assistance programs targeted to families with incomes at 50 percent of median or below for their areas, with the idea that the population below 50 percent of median, which suffers disproportionately from rent overburdening and other conditions of inadequacy, needs to be most directly aided, and that if you're going to have only a limited amount of resources, you should devote it to those who are in fact most in need.

One of the main characteristics that we are concerned about as a result of these affordability problems is geographic mobility. The geographic mobility among the poor is impeded by difficulty in affording housing costs. The conditions that contribute to this problem in mobility pose a major challenge to Federal, State, and local governments in increasing opportunities for employment and social mobility and job training for especially the high-density concentrations of largely unskilled poor populations. Eighty-three percent of the minority households below the poverty level live in metropolitan areas, and 78 percent of those minority households live in central cities.

Now, one of our responses to this, and one that we would advocate looking at even more intensely to this challenge, is the housing voucher program, which is related to the existing section VIII certificate program. The housing vouchers provide a straightforward and effective method of providing housing assistance which can also alleviate the impediments to mobility. Unlike other federally assisted or public housing programs, which in their own way have contributed to high-density poverty areas by concentrating housing available to the poor in specific areas, which may or may not be areas where there are jobs—in fact, the tendency has been to no sooner locate the poor in an area using low-income housing projects than business seems to, for some reason, head in the opposite direction, and you end up with problems.

If you have high concentrations of minorities in central cities, and as we have noted both for technological and other reasons businesses are locating more and more in suburban areas, then you end up with problems of reverse commuting, which no one ever provides for, since we generally only provide for people to get from the suburbs into the city; we never provide for anybody to go in the opposite direction. You end up with problems of reverse commuting and simply an unavailability of many of the types of jobs that would characteristically have been available to the poor in central cities in earlier times.

So one of the concerns we have is that vouchers, which we have pressed and pressed to increase, as well as section 8 certificates, increase the ability of low-income households to move throughout market areas, across jurisdictions of public housing authorities, and potentially to find jobs and educational opportunities in locations that would not otherwise be available to them.

Now, we recognize—and I'll address this a little bit in terms of what we are looking to do—that vouchers provide somewhat different problems for dealing with housing discrimination than public housing projects or even the old section 8 construction projects have presented, but we might note that the efforts to integrate housing through the use of either public housing projects or section 8 projects was not noticeably successful in the late 1970s. Needless to say, it has now created an extraordinarily unfortunate situation in Yonkers, and our tendency is to believe that, by providing the poor and the minority poor with market opportunities using vouchers, we may be able to alleviate some of the pressures that occur by concentrating on project-based efforts.

So the voucher holders have the opportunity to use their vouchers within any local housing agency jurisdiction, not just the one that they start from, and they can enhance their geographical, their social, and their economic mobility by using them.

We note also that the home ownership rates for black and Hispanic heads of households are considerably lower than the rates for the general population, and the data suggest that it is the lack of income that is the primary cause of this. The conditions that contribute to lower income of minorities are of concern to HUD but are not factors directly affected by housing policies, so at that point we are in a situation where we can see the problem as well as everybody else, but HUD does not specifically have programs geared to deal with many of the income problems.

What I'd like to do is point in closing to a few of the efforts we have undertaken to deal with some of these concerns. I have pointed to the use of vouchers as our way of increasing affordability and attempting to increase affordability especially for the lowest income poor.

We have noted, however, that there has been a consistent pattern in the number of complaints of housing discrimination over the last decade. The number of new complaints has been consistently about 4,000 annually. Now, it doesn't take much imagination to realize that 4,000 complaints of housing discrimination annually is kind of woefully short of what the likely incidence of discrimination is in the country.

Based on the 1979 Housing Market Practices Survey, we have estimated in the past that the incidents of discrimination probably range around 2 million a year, but we are not getting much in the way of discrimination complaints. We are taking a variety of measures to deal with that. During this administration, we have concentrated heavily on attempting to get

State and local agencies both certified and active in pursuing housing discrimination and attempting to alleviate it.

The Secretary has pressed and we have now gotten passed a new Fair Housing Amendments Act, which among other things provides for much heavier penalties. One of the earlier problems was that there really wasn't much advantage to a family that was discriminated against in pursuing the procedural parts of a discrimination complaint for the very simple reason that, even if they won, the punishment rarely was worth visiting upon the miscreant, whoever it was. Under the new law, there are much stronger penalties, and there's a much easier ability to use the court system when necessary in order to establish those penalties.

One of the things that Secretary Pierce was most concerned about was primarily increasing this punishment as a deterrent to people engaging in discrimination. Obviously, you can't eliminate discrimination by filing a complaint against everyone who discriminates. There would be no way to do it. But you conceivably can have a strong deterrent effect if there is a strong punishment available against those who discriminate. One of the hopes is that over the next period of 10 or 20 years, as we explore the uses of the Fair Housing Amendments, we will be able in fact to create a situation where discrimination is avoided not just because punishment is feared, but hopefully people will learn also that it is a completely unsatisfactory human activity.

Finally, I would just point out, from the standpoint of gaining information, my office specifically this year has begun—we should be contracting, in fact, this week to perform a Housing Discrimination Study which is a followup to the Housing Market Practices Survey which was done now over 10 years ago, and will concentrate on a national survey of incidents of housing discrimination and discrimination practices against blacks and Hispanics.

I might point out we have had a little concern raised about the fact that we are not doing possible discrimination against Asians and other smaller minority groups. One of the reasons is quite simply that the combination of our budgetary resources and statistical procedures makes it very difficult to get to very small groups. In fact, I note in my testimony that the American Housing Survey, which is a very large sample, makes it difficult to deal with very small groups. But we are hoping that the Housing Discrimination Survey will give us solid information on the level of discrimination and on the characteristics of discrimination across the country which will be useful for informing future policy.

COMMISSIONER DESTRO. Thank you, Dr. Beirne. We'd certainly appreciate it, when you do let the contract, if you could give us whatever details you have on the nature of the contract.

Our next speaker is Mr. Sam Hirabayashi, who is the Regional Commissioner of Labor Statistics of the United States Department of Labor. He was appointed Regional Commissioner of the San Francisco Regional Office of the Bureau of Labor Statistics in October 1983. His previous work experience includes a position as State labor market analyst for the State of Minnesota, and from 1961-1983 he served as an economist with the U.S. Department of Labor's Employment and Training Administration in Washington. His education includes a degree in business administration from the University of Minnesota.

Mr. Hirabayashi, we are very pleased to have you this morning and look forward to your testimony here.

Statement of Sam Hirabayashi, Regional Commissioner of Labor Statistics, San Francisco, U.S. Department of Labor

MR. HIRABAYASHI. Commissioner Destro, Mr. Chairman, and members of the Commission, I am real happy to be here on behalf of the Bureau of Labor Statistics. The information I am going to provide here is already in the written statement you have before you. I will be using part of that, but if you're going to follow me, you'll find out I'm going to skip because I'm going to depart from what I have in the written presentation.

The United States in the 20th century has been characterized by rapid technological change, an aging population, and immigration from all corners of the world. Now, accompanying these dramatic shifts have been major adjustments in the structure of our economy, unprecedented development in the role and contribution of women in particular, and the transformation in structure and pattern of family life.

I'm going to go on into some of the statistics which will dwell to some extent on some of these changes that have occurred. In terms of looking ahead to the year 2000, we'll try to see what kinds of changes we will be expecting, what kinds of opportunities will be available, particularly for our grandchildren in terms of employment.

In terms of demographers and statisticians, we have no crystal ball. There may be others at the table here who may be able to do much better projections than we do, but based on the information we have, we do have some tools which will at least give us some idea in terms of what has happened in the past, what we see in the present, and based on that what we would anticipate for the future.

We use a large number of data sources on the labor force, in terms of the economy as well as by industry and occupation and employment. Using these systems, along with economic models, regression analyses, and quantitative techniques, we are able to analyze past trends, review the present, and make some projections for future years.

As we move into the next century, we find that much has changed from the past. The labor force will reach 139 million, an increase of nearly 21 million or 18 percent over the 1986-2000 period. The younger and older workers will become a smaller part of the labor force. The share of workers and the new entrant group—that is, years 16 through 24—will decline, while workers in the prime years of working life, which includes a large baby boom generation—and I see a good many represented here—will increase. Even though the population 55 and over will increase, they will be a smaller share of the labor force because of declining labor force participation rates.

It is rather interesting, because the 55 and over are not working as long as they used to, and there could be a number of reasons. I suppose the possibility of better annuities or better retirement programs may be encouraging people to retire earlier. Therefore, although we do have a larger 55-and-over population, they are tending to retire, or they are not participating in the labor force as in previous years. Overall, the median age of the labor force will rise to 38.9 years, which is about 3.6 years above the 1986 level.

Younger workers will have dropped from roughly 20 percent to 16 percent—and you've heard of the shortage among the younger workers. Among the older workers, because of the earlier retirement, they will be decreasing from around 13 percent to 11 percent of all workers.

Despite the lower growth rate overall, the proportion of the labor force that is made up of minorities and females is expected to expand. Among the minorities, the black labor force is expected to grow by nearly 29 percent or 3.7 million workers. Among the Hispanic work force, we expect an increase of about 6 million or more than 74 percent. And the Asians and other racial groups, which include American Indians, Alaskan Natives, Asians, and Pacific Islanders, are projected to grow by nearly 2.4 million or 70 percent.

Now, this group that I just mentioned here will make up 12 million, or approximately 58 percent of the future labor force growth, and including the growth of some 7.2 million nonminority women, it will constitute 92 percent of the total labor force growth in the future.

In terms of quality of work life, the following information is based on a 1980 study. We found that the work life expectancy of blacks and others was nearly 7 years shorter than for whites. That is to say that, among the blacks, the work life expectancy—that is, the number of years they are expected to work—is roughly 32.9 years versus 39.8 years for the white population.

Also, minority men spend an average of just 50 percent of their lives in labor force activity—that is, involved in the labor force—whereas whites spend 56 percent of their lives actively involved in labor force activity. This difference is all the more striking because whites tend to live longer, allowing them greater potential for both a longer work life and postretirement leisure. Far more blacks and others are also likely to die before retirement.

This is a figure that I had some trouble wrestling with, but the data we have show that 31.7 percent of the blacks die during their working lives versus 26.7 percent for whites. And the question is: Why do you have a higher proportion die? My guess, just looking at it—and I didn't do any real hard-nosed analysis of this information, but I would guess it has to do with maybe hazardous occupations, conceivably the inadequacy of health benefits, or the availability of such benefits for them. But the facts show that 31 percent of them would die during their active work life versus 26.7 percent for whites.

Stated differently, although minority men could expect to spend fewer years in the labor force, their additional periods of inactivity—that is, being out of the labor force—were more likely to occur during the prime working ages. In contrast to the men—this is rather interesting—the women who die while actively in the labor force is only 10.4 percent. This is compared to 27.4 percent for all men.

I looked at the population 55 and over in terms of the year 2000 because this has to have some impact. Sure enough, for the population 55 and over, women will make up roughly 31.6 million, and men will be 25.2 million, so you can see there will be some 6 million more women 55 and over.

Therefore, the work force of the future is going to be more mature. Although still predominantly white, it will become much more multicultural, and even though men will still have a slight majority, women will account for nearly half of all workers.

I had a little comment here. I can't see the group very well sitting and looking this way, but I would venture to guess that looking over the population that that represents the work force of the future. The age group would be roughly 38.9. I think you will all agree with me on that.

[Laughter.]

I'll include the people here at the table, too.

Like the labor force, employment will continue to grow, and although more slowly than in the recent past, we expect the increase to be by some 21 million. And if you followed me very carefully here, I said earlier I expected the labor force to grow by 21 million, and I'm saying employment will grow by 21 million, and for statisticians that would indicate that the unemployment change would be zero sum.

The long term shift from goods-producing to service-producing industries will continue. We've heard that many times, and we've been preaching that for quite some time now, that the service industry is the area that's growing. I won't get into the controversy as to whether they're good-paying jobs or not, but the facts are that the service industry is the growth area. As a matter of fact, nearly four out of five jobs will be in industries that provide services.

At the same time, employment will decline in some of the goods-producing, commonly referred to as industries, or manufacturing-type jobs, except for the construction industry, which is expected to increase about 18 percent through the year 2000. While manufacturing employment will drop by about 4 percent overall, not all manufacturing industries will decline. Increases are expected in electronic, computing equipment, medical instruments, supplies, miscellaneous plastic products, as well as commercial printing. Within the services sector, half the new jobs are expected in such service industries as business services, advertising, accounting, computer support, and health services.

You will notice that health services comes up quite often. Obviously, the population is aging. They do require additional health services, and that's one of the reasons—it is driven really by the demographics, and data would indicate that that area would be a growth industry.

Employment in retail and wholesale trade will expand by 27 percent, with half the increase in retail trade, eating and drinking places. Now, why would eating and drinking places grow? My guess would be that with so many more women in the work force, they are more likely to eat out rather than going home and cooking. But whether that's a fact or not, the eating and drinking places are another big growth industry.

Speaking of working women, you will notice that as a result of more women working, there is much more attention given to child care. In terms of the working conditions, we have more flexible hours. We have alternate work schedules, as well as a more liberal approach for taking leave, maternity leave in particular.

One of the things I want to drive home here is that employment in occupations that require the most education are expected to increase as a proportion of total employment. At the same time, employment in those industries which require less education will decline.

Now, how will these employment trends affect minority groups and women? Women account for roughly 44 percent of the total employment in 1986, but they are more highly represented in the faster growing occupations, except for the areas of natural scientists and computer specialists. The proportion of women employed as engineers, architects, and surveyors is very low. However, they are very highly represented in the fast-growing health industries, particularly in nursing, the technical services, and teaching. You are going to see a mini baby boom coming up, and you will find that a number of the grade schools are now beginning to experience growth for teachers.

Among the administrative support occupations, which include clerical, roughly 80 percent of the workers in those areas are made up of women.

Both blacks and Hispanics account for a greater proportion of persons employed in occupations that are projected to decline or grow more slowly than other fields. These declining and slower growing occupations are also those that generally require the least amount of schooling. For example, while blacks comprise 10 percent of all workers, they represent only 6 percent of the managerial and professional workers, but 17 percent of the helpers and laborers. Hispanics represent 7 percent of all workers, but only 4 percent in the managerial and professional type-occupations, and 11 percent of the helpers and laborers.

A rather interesting statistic has to do with individuals who changed occupations between January 1986 and 1987. The reasons given by 12 percent of the white workers were that they were being displaced from their previous job. That is to say that 12 percent of the white workers gave reasons that they were displaced from the previous job due to layoffs, plant closings, slack work, or seasonal factors. Now, in comparison, for black and Hispanic workers, the figure was almost 20 percent.

This is a rather critical figure because this may be viewed as a measure of job vulnerability. That is to say that, in general, the jobs that Hispanics and blacks occupy have a higher risk of being eliminated, and that was borne out by this figure of 12 percent for the white workers versus 20 for the blacks and Hispanics.

COMMISSIONER DESTRO. Excuse me, Mr. Hirabayashi, if you wouldn't mind wrapping up a bit, then we can save some time for questions; we would appreciate it.

MR. HIRABAYASHI. On education, you'll find that among workers with higher education, unemployment is lower; for workers with lower education, unemployment is higher. This carries on all the way through to their earnings; that is, people with higher education earn more; people with lower education earn less.

In summary, the job opportunities for individuals or groups of workers are determined by the multitude of factors relating to the job market and characteristics of workers. However, among the many factors, educational attainment is very important if minority workers are to take advantage of job opportunities associated with future job growth.

COMMISSIONER DESTRO. Thank you very much.

Our next speaker is Mr. William Butz who is the Associate Director for Demographic Programs at the United States Bureau of the Census. Mr. Butz was appointed the Associate Director for Demographic Programs in January 1983. His responsibilities include the Current Population Survey, the Survey of Income and Program Participation, and national household surveys on health, crime, and other topics. Subject-matter aspects of the Decennial Census and the Census Bureau's international programs are also under his direction.

Prior to joining the Census Bureau, he had been with the Rand Corporation since 1970, serving as senior economist and deputy director of labor and population studies. His numerous publications and articles include "Demographic Challenges in America's Future" and "Baby Boom and Bust: A New View."

He has served as a consultant to the United States Agency for International Development, the Population Council, the National Institute of Child Health and Human Development, the Batelle Memorial Institute, the World Bank, the Pan American Health Organization, International Development Research Center, and other organizations.

We welcome you, Mr. Butz, and look forward to your testimony.

Statement of William Butz, Associate Director for Demographic Programs, U.S. Bureau of the Census

MR. BUTZ. Thank you, Commissioner Destro. Mr. Chairman, Commissioners, it's a real honor for the Census Bureau to be represented here today, and a particular pleasure for me to come back to Los Angeles and to meet with you here.

The Census Bureau is charged with telling the American people about ourselves. We do this in a wide variety of areas from fertility and child support to crime and housing, from income and poverty to family structure and single-parent families. I know that you have used statistics from the Census Bureau before, and it's a pleasure to be with you today to try to shed light on some particular aspects that are of interest to you currently.

Someone has said that trying to use information from the Census Bureau is like trying to get a drink of water from a fire hydrant, and I'm afraid I'm not going to reduce the size of the hydrant too much this morning because I have a number of slides to show you, but I'm going to move through them very briskly. For each one I'm going to give you the major point on the slide, and at the end I will summarize.

I'm going to concentrate on information on the black and Hispanic populations to try to get this down to a drink of water rather than a fire hydrant. I'll have something to say about Asian and Pacific Islander, and Indian, Eskimo, and Aleut populations as well. As you know, the Census Bureau has a great deal of information on those populations, as well as ancestry information on several hundred other groups, Eastern European and other groups as well.

The information that I will present will be from the 1980 census and earlier census, from the Current Population Survey, from the Survey of Income and Program Participation, and from projections done by the Census Bureau.

[Slide.]

Here we see from the 1980 census the size of the populations of black; American Indian, Eskimo, and Aleut; Asian and Pacific Islander; and Hispanic-origin populations. During the 1970s, each of these groups grew faster than the total population. However, it's interesting to note that the rate of growth of the black population, although faster than the rate of growth of the whole population, was slower than that rate of growth in the 1960s and in the 1950s. Indeed, during the 1980s, the rate of growth of the black population in the U.S. has continued to slow down, although it's still higher than the rate of growth of the population as a whole.

For the other groups shown there, there were tremendous growth rates during the 1980s and during the 1970s, due partially to natural increase, which is the excess of births over deaths, but also due in some cases, particularly Asian and Pacific Islanders, to immigration.

[Slide.]

Documented immigration—this does not include undocumented immigration into the U.S.—by area of origin, here we see the changing composition of this immigration, from 1951 to 1960 at the top, to the decade of the 1970s at the bottom.

What we can observe is that the proportion of immigration that came from Mexico and Latin America and the proportion that came from Asia has been increasing rapidly over time, while the proportion of "Other," which is principally Europe, has been decreasing as a proportion and in absolute numbers over time.

[Slide.]

Looking at the percent of the population 65 years and over, here we see it by racial and ethnic groups. Note as we talk about the Hispanic population there at the bottom, Hispanic persons as defined in the census and Census Bureau can be of any race—white, black, or any other race.

Basically, during the next 20 years the rate of growth of the population 65 and over is not going to be as high as it was in the previous 20 years, which flies in the face of what many people think. We've had a very high rate of growth of that population. However, beginning about 20 years from now, and then for the next 20 or 30 years, the rate of growth of the population 65 years and over will be high indeed. Particularly if one looks at it as a proportion of the total population or as a ratio to the working population from about 20:20 to 20:40, that ratio is going to increase very rapidly, much more rapidly than ever before in our history.

[Slide.]

Let's now look at the black population. Here is the rate of growth of the black population from 1980 to 1987, and our projections from 1987 to the year 2000. Echoing what my colleague on the left said, except in a little different form, someone said the only people who try to say something about the future are either fools or economists. I'm an economist, but I still am not going to say too much about the future. I'm also from the Census Bureau.

Here we see projected increases continuing, and in fact this will be the case for all of the minority populations I talked about between this year and the year 2000. All of them are projected to grow at a faster rate than the non-Hispanic white population.

[Slide.]

Now I'm going to be talking about some black-white comparisons and about some comparisons of different subgroups in the black population. Let's begin with education. I'm going to talk particularly about education, family structure—single-parent families—and attachment to the work force or employment, and I'm going to argue that those three characteristics of people go a long way toward explaining some things that are of interest, particularly differences in income and in poverty rates between different ethnic groups. So first for the blacks and then for the Hispanics, I'm going to be looking at educational attainment, at labor force attachment, and at family structure.

Here for blacks we see increases between 1980 and 1987 in the percent of high school graduates—primarily in the percent of high school graduates, no change; no significant change in the percent of college graduates. You can see on the right that the proportions for whites have stayed basically the same. This continues a trend that took place in the seventies in which the black population was gaining significantly on the total and on the white population in terms of educational attainment.

[Slide.]

Now let's look at one indicator of family structure, which is families maintained by women. The blue charts at the top are blacks; the green charts at the bottom are whites. We see, first of all, that in each year, basically since 1974 when we began measuring it, the proportion of families maintained by women in the black population has been significantly higher than that for whites. We also see that between 1980 and 1987 these proportions increased for both the black and the white population until now about 42 percent of black families are maintained by women, no husband present.

[Slide.]

Now, labor force, attachment to jobs. The green are white; the blue lines are again black. We see what the Commissioner was pointing out earlier, that labor force participation rates of blacks have been declining secularly over time. Labor force participation rates of whites have been increasing. Something that may not be generally known is that labor force participation rates of black women are higher than those of white women, have been over time, and are continuing to increase.

[Slide.]

Unemployment rates—another measure of labor force attachment. We see over time that black unemployment rates are higher than white rates. They tend to move together over ness cycles. They have both declined since the pit of the re- cession in 1982–1983. Before that, since 1978, they had been increasing for both racial groups.

[Slide.]

Now, let's look at median family income, and I am going to do it here again by several of those categories. First, let's look at it for black families by whether the family is a married-couple family or a female householder family, no husband present. Note that whatever date we look at, the incomes are higher for married-couple families. There are two principal reasons for this. One is that there are two potential earners, of course, in a married-couple family. The other reason is that women in female householder families tend to have smaller earnings and less labor force attachment, less education. So for those two reasons we see those differences.

But now look at the changes between 1969 and 1987. For married-couple families, black median family income has increased significantly between 1969 and 1979 and significantly between 1979 and 1987. However, for female householder families, this has not occurred. In fact, there has been a decline. These, by the way, are adjusted for inflation. They do not include noncash transfers, which are an important source of income, particularly at the lower part of the income scale, and they do not account for differential tax bite which would also affect the results.

So we saw earlier that black families are characterized by a higher proportion of female-headed families. We see here that those families in the black population as a whole tend to have lower earnings and not to be progressing in terms of earnings.

[Slide.]

Now, in terms of labor force attachment, let's do a comparison of year-round full-time black workers, female and male. This now corrects for hours of work, weeks of work, attachment to the labor force. I'm just going to let you look at that and notice that females make less than males, but you all who are female are gaining on us. That's true whether you're black, white, or Hispanic.

[SLide.]

Average monthly income by education, blacks, in blue, make less than whites at every level of education, except the highest one shown there, which is the master's degree, and there those numbers are not statistically significant. In general, as one moves up the education ladder, the difference between black income and white income narrows at higher levels of education. Blacks tend to have lower levels of education, but they are gaining, and anyone at lower levels of education tends to make less than people at higher education levels. And we can see that here for these black-white differences.

[Slide.]

Now looking at median family income simply for all black families compared to all white families, we see whites higher than blacks. They tend to go together over business cycles. This is also true if you carry it back into previous cycles in the seventies, sixties, fifties, etc. And I guess that summarizes that. There has been general growth in family income again since the pit of the recession in 1982 in every year.

[Slide.]

Median net worth of households. Income is one measure of well-being. The value of assets or net worth is another.

Assets, of course, are partially a result of income over past years. We saw that whites earn more than blacks. We see here that the ratio of wealth of whites and blacks is even more pronounced. That is, blacks are much worse off relative to whites in terms of wealth than they are in terms of earnings or income.

[Slide.]

Finally, looking at the black measures, here is the poverty rate. Much of this is very new information, in fact coming out of a survey done just last March. These results were just announced last week, showing that in the last year the poverty rate of blacks increased by 2 percentage points, while for whites it decreased by one-half of a percentage point. However, once again, since 1982, both black and white rates have decreased significantly.

Let me turn now to the Hispanic population.

[Slide.]

Here we see 1980, 1987, 1990, and 2000 growth reflected in the earlier period's projections of growth reflected in the latter periods. We project this growth to be higher than that of the non-Hispanic population and to result both from a higher rate of natural increase, births minus deaths, and of course from a higher rate of immigration.

[Slide.]

That's what this slide shows. Let's skip over it.

[Slide.]

Hispanics by type of origin. In 1987 almost two-thirds of the Hispanics in the U.S. identified themselves as Mexican, and you can see the other proportions there. We'll see as we go in a few other slides very briefly that these groups differ radically from each other in terms of education, labor force attachment, income, poverty, and other measures of interest.

[Slide.]

Distribution of the Hispanic population. We sit here in California with 33 percent of the total U.S. population that identify themselves as Hispanic; Texas, 22 percent. There are particular pockets around the country in which particular kinds of people of Hispanic origin have tended to settle, clearly, Cubans in Florida, but perhaps less well-known, Dominicans in New York City and other kinds of patterns as well.

[Slide.]

Let's look at education now for the Hispanic population. Here we look at 1982 and 1987 comparisons, and we see that for most groups there was an improvement between 1982 and 1987, not true for Central and South American. That isn't because people were losing education over time. It's because we had a large influx of people between 1980 and 1987 from

Central and South America who had a lesser amount of education at the high school level than the Central and South Americans who were already here.

Mexicans and Puerto Ricans tend to have the smallest proportion of high school graduates. Cubans are a group that we'll see are outliers in this as well as other measures, tend to have more education.

[Slide.]

Families maintained by women. Hispanic families have a higher proportion maintained by women than non-Hispanic families but not as high a proportion as black families. And we begin to see here some of the radical differences among some of the Hispanic groups. Compare, for example, the Puerto Ricans and the Cubans—the Cubans with a low proportion of families maintained by women, Puerto Ricans with a high proportion.

[Slide.]

Unemployment rates. Hispanics higher than non-Hispanics, not as high as the black population, again declining since the recession in 1982.

[SLide.]

Median family income, 1987. Lower for Hispanics than for non-Hispanics; not as low on average as black median family income. Again, we see the differences there in the different country-origin groups. Median earnings of year-round, full-time Hispanic workers, females and males, tells pretty much the story that we saw earlier with blacks. Females don't make as much as males, but they are gaining.

[Slide.]

Now, over time, 1981, 1982, and 1987, Hispanics and non-Hispanics—this is an interesting chart. For non-Hispanics we see growth between 1981 and 1982 on the one hand and 1987 on the other; for Hispanics we see less percentage growth, less absolute growth, and if 1981 is used as an index base, no growth in fact in real median family income.

And I remind you again, this does not include noncash transfers, which are very significant, and it does not account for the differential effect of taxes on different groups.

[Slide.]

Poverty rates of persons, Hispanics and non-Hispanics. Hispanics have a higher proportion in poverty, and there you see the differences between 1982, the bottom of the recession, and 1987. The poverty rate has decreased for both groups.

And that's it.

If you'll give me another minute, I'll summarize. Would you like me to do that?

COMMISSIONER DESTRO. Do that, please.

MR. BUTZ. In summary, blacks, Asians, and Pacific Islanders, American Indians, Eskimos, Aleuts, and Hispanic populations are experiencing rapid growth. Their growth will likely remain faster than the non-Hispanic white population in the next 20 years. Immigration plays a significant role in the growth of the Asian and Pacific Islander and Hispanic populations.

The elderly population is becoming an increasingly larger proportion of the total population. However, the elderly population is not nearly as great a proportion for the black, American Indian, Eskimo and Aleut, Asian and Pacific Islander, and Hispanic populations as it is for the white population, the white non-Hispanic.

The Hispanic population in the U.S. presents a varied socioeconomic portrait, with some groups faring better than others. Although there are significant differences in the characteristics of blacks and whites and of Hispanics and non-Hispanics, some differences are not great, and some differences have been closing significantly.

The same can be said about differences between men and women. There are significant differences, but some of them have been closing.

An important part of the differences among these groups in income and poverty is due to differences in three characteristics: first, family type, characterized simply here by the proportion of female householder families; second, education level; and third, employment. To the extent that social and ethnic differences in these characteristics narrow over time, so will differences in income and poverty.

Differences in wealth between blacks and whites are considerably greater than differences in income.

And, finally, by the year 2000, blacks and Hispanics will probably each constitute a higher proportion of the U.S. population than they do now.

Thank you very much.

COMMISSIONER DESTRO. Thank you very much.

Our next speaker is Mr. Harold Ezell who is the Western Regional Commissioner of the Immigration and Naturalization Service. Mr. Ezell was appointed to this position in March 1983 at the Western Regional Headquarters in San Pedro, California. The region encompasses Arizona, California, Nevada, Hawaii, and Guam.

Prior to his appointment, Mr. Ezell was president and founder of the Ezell Group, a management consultant, capital formation firm for small businesses. He was a vice president and board member of Wienerschnitzel International from 1969 to 1980, which owned and operated 400 franchise restaurants in 11 Western States.

We welcome you and look forward to your testimony.

Statement of Harold Ezell, Western Regional Commissioner, Immigration and Naturalization Service

MR. EZELL. Thank you.

Mr. Chairman and members of the Commission, I'd like to talk just a little bit about the past and the present and the future immigration trends here in our country.

With the exception of the slave trade years, immigration to the United States until the 1960s was basically Caucasian, with mostly a Christian background. In the very early years, immigrants were overwhelmingly Caucasian with an Anglo-Saxon heritage. For example, the 1790 census showed that more than 75 percent of the population was British origin. Germans accounted for 8 percent, and smaller percentages had origins in the Netherlands, France, Sweden, and Spain.

Between 1820 and 1880, 10 million immigrants came to the United States, the majority coming from northern and western Europe. The Irish streamed into the country between 1845 and 1847. British, French, Norwegians, and Swedes also entered in large numbers during this time.

Between 1881 and 1920, 23.5 million aliens were admitted to permanent residency. Nearly 90 percent came from Europe. Although from time to time differences arose among these groups due to nationalistic, religious, or cultural reasons, they have after several generations melted into the predominantly Caucasian and Christian society that exists in the United States today.

The Immigration and Nationality Act of 1965 literally opened America's door, for the first time, to all the world. The legislation gave each country in the world a 20,000 annual quota, except for principalities and colonies which have an annual 600 quota, and put a heavy emphasis on family reunification as the major determining factor in filling quotas. It set an annual 270,000 maximum on the quota for immigration.

The ensuing 20 years saw a most radical change in the ethnic make-up of immigration to the United States. Asians, for example, immigrated by just a few thousand in 1965, but skyrocketed to almost half of the immigrants admitted by 1985. An estimated 3 million Asians have been admitted since 1965, including 250,000 last year. Latins from Central and South America also took advantage of this in swelling numbers.

The refugee and the asylee situation followed a similar pattern during this time frame. From 1946 to 1950, Europeans composed 99.4 percent of the refugees and the asylees admitted. An almost complete reversal was seen in 1981 to 1986, with 75.2 percent of the refugees and the asylees coming from Asia. One striking example is the aftermath of the Vietnam war, which resulted in some 700,000 new refugees coming to the United States.

A current breakdown of immigration to the United States shows that 42.8 percent come from Asia. Mexico, the Caribbean, and Canada account for 36 percent. Europe was an all-time low with 10.2 percent, and South America 7 percent, and Africa 3 percent.

Current data also show that females account for 51.1 percent of the immigrants, and some 57.1 percent of those are under 30. Only 12.5 percent are 50 and over. Current data also show that Mexico continues to be the largest single sending country, with 72,351 immigrants in 1987, a sizable 8.7 percent increase over 1986.

In the years since the 1965 act was adopted, Mexico has consistently been the principal sending country, with the Philippines, Korea, Cuba, and Vietnam among the top five.

One of the chief assets of the quota system in 1965 was that about 25 percent of the annual immigrant visas were targeted for people with occupations, skills, or talents that were in short supply in the United States—25 percent of the total. As a result of this quota system, the United States has received thousands of highly skilled and professional people from Asian countries.

It is ironic, as we look back, that the opponents of the 1965 legislation declared that the new law would close the immigration door to the Orient and boost the number of immigrants coming from traditional European nations. What the lawmakers apparently didn't realize is that family reunification went directly to the heart of the Asian value system, that Europeans were a generation or two away from immediate relatives, and they really did not have that many people to bring over during this period of time.

On a wider note, immigration to the United States is at almost record levels. Experts say that we will continue to grow under the existing law and policies. This is a time, too, when the United States does not necessarily need immigration to augment its population as it did in the formative years. In fact, the specter of overpopulation is one of the main dangers we are already experiencing, particularly in urban societies.

Legal immigration to the United States reached 601,000 in 1987, the second highest annual flow since 1924. This figure brings to 581,000 the average annual legal immigration in the 1980s, a 30 percent increase over the previous decade.

Analysts say if this current rate continues, legal immigration for the decade of the eighties will approach 6 million people, the highest since the Nation's immigration peaked at 8.8 million in the 1901-1910 decade.

It is also an important factor that the Immigration Reform and Control Act of 1986 will bring about the legalization of 2.5 million people under its amnesty and special agricultural worker provisions. This will boost the total immigration for the 1980s to 8 million people, near the record of the 1901-1910 decade previously cited.

One of the disturbing facts about these groups of immigrants is that only 10 percent are classified as skilled workers. Due to the illegal status and shadow-world existence of these immigrants, many of them have not been able to improve their skills and education level. America has a mammoth job ahead to bring these into the mainstream of our productive society.

Mexico again is the leading country of origin among these immigrants, with approximately 80 percent of the total. El Salvador, Guatemala, Colombia, the Philippines, Haiti, Nicaragua, Poland, Dominican Republic, and Iran comprise the top nine behind Mexico.

As to gender, 55 percent are male; 45 percent are married. Ages range from under 15 to over 65, with the median being between 25 and 34.

The Immigration and Naturalization Service is now gearing up for a massive educational program to provide these former illegal aliens with their next step towards eventual United States citizenship. This is known as phase II. These temporary residents must now make the transition status to lawful permanent resident.

In cooperation with State and educational groups, and various ethnic groups, the INS is organizing educational opportunities to teach temporary residents basic English, American history, and government, a requirement to gain permanent residency and eventually citizenship status.

During the 1980s, we faced an invasion of illegal aliens, particularly at our southern border, unprecedented in size and scope. The border, for all practical purposes, has been out of control. The Border Patrol's illegal alien apprehensions along the southern border set 3-year records of 1 million plus each year between 1984 and 1986. During this time frame, it was estimated that between 6 to 12 million illegal aliens were in this country, with most of them being in California.

While most of these border jumpers were from Central and South America, the Border Patrol did arrest more than 90 different nationalities at our southern border in 1987, and this trend continues. This massive illegal migration was caused principally by the hard economic downturn in recent years in Mexico and other Latin countries.

It is true, too, that most of these illegal entrants are illiterate. They possess few job skills, and because of their illegal status have had nobody to turn to for assistance. Unscrupulous employers work them long hours at substandard pay. They literally live in holes in the country or in some other unsanitary hovels in many southern California communities. A few years ago, slums were unheard of in affluent Orange County and San Diego County. Today, crime-breeding slums now exist in even the smallest communities in these two counties.

However, the situation is beginning to change for the good, particularly since the passage of the reform act of 1986, which for the first time makes it unlawful for anyone to knowingly hire illegal aliens, what we refer to as employer sanctions. Some of the positive signs that we have seen are: Border apprehensions are down. Many illegal aliens, unable to get jobs, have left this country. Our enforcement ability will be greatly enhanced by the addition in coming months of some 1,100 new Border Patrol agents and several hundred investigators. Add to this the fact that INS is aggressively enforcing employer sanctions. We should see a more positive change in the very near future.

Of possible interest to you is the fact that Congress wrote into the 1986 act a strict antidiscrimination clause which prohibits discrimination in the hiring and firing of citizens or nationals of the United States and certain classes of aliens who have filed declarations of intention to become citizens. This section of the law is enforced by the Office of Special Counsel in the U.S. Department of Justice.

We are in the process, Mr. Chairman and members of the Commission, of distributing to hundreds and thousands of employers in my region this little notice [indicating document] that goes out, and it says what you should and you should not do in hiring people. Just because somebody happens to have blue eyes or brown eyes and may have an accent or they may not doesn't make any difference in the way you treat them, and we're trying to communicate this throughout our region and really throughout the country.

In summary, Mr. Chairman, I have tried to give the Commission an overview of the historical immigration patterns that shaped our country and subsequent laws and policies that have radically changed the ethnic origin of our immigrants, all of which is important to your Commission.

Lawful immigration has been and still is the lifeblood of our unique society. Each successive wave of immigrants has brought new vigor, innovation, and skills and culture to the mixed fabric that is our society. This rewarding trend continues today.

I have also presented to your staff a copy of our annual statistical report and other details that I trust will help you in seeing the past, present, and future of immigration here in the United States.

Thank you.

COMMISSIONER DESTRO. Thank you very much.

Our next speaker is Vice Chairman Rosalie Gaull Silberman of the United States Equal Employment Opportunity Commission. Ms. Silberman was nominated by President Reagan initially in November of 1984 as a recess appointee to the Commission and was sworn in to a full 5-year term in 1985. She was designated as Vice Chairman of the Commission in 1986.

She was graduated from Smith College with a bachelor of arts degree in government, and began her career as a teacher in Hawaii and in Maryland. She has served as the Chairman of the Committee on Legislation and Cochairman of the Committee on Evaluation of the National Advisory Council on the Education of Disadvantaged Children.

She has served as a consultant to the National Republican Senatorial Committee and organized and directed the Tidewater Conferences. In 1978 she became the press secretary and director of communications for Senator Bob Packwood of Oregon. From 1980 through 1982, she served as a consultant to Senator Packwood and was director of public relations for the San Francisco Conservatory of Music. In 1983, prior to her appointment to the Commission, she was named special assistant to Commissioner Mimi Weyforth Dawson of the Federal Communications Commission.

We welcome you, Ms. Vice Chairman, and look forward to your testimony.

Statement of Rosalie Gaull Silberman, Vice Chairman, U.S. Equal Employment Opportunity Commission

MS. SILBERMAN. Thank you, Mr. Commissioner, and fellow Commissioners, and Mr. Chairman. I am delighted to be here with all of you to spend some time talking about this very important topic. I think probably my placement at the end of the panel may be a fortuitous one. I will reiterate some of what my colleagues have said. I may even take issue with what some of them have said. And I think what I have to say will provide a good bridge for the next panel, which is "Public Policy Effects of Changing Demographics: An Overview."

As Vice Chairman of the EEOC, I will, of course, be focusing on the employment implications, but I also want to spend just a little time on the link between employment discrimination and education. This, after all, has historically been true, and it will be even more true in the future.

We have been talking about unprecedented numbers of women minorities, older workers, and immigrants in what has come to be known as "Work Place 2000." I have been struck in looking at some of the literature at how many booklets, pamphlets, and studies have been named "Work Place 2000," and we were one of the first at the EEOC to issue one in 1985 when we focused on some of the challenges as well as what these changes will mean. That study predicted the dramatic changes which would challenge our nation and the EEOC's ability to make good on the Constitution's promise that all Americans have the opportunities to secure this nation's economic blessings.

I think it is well that we all remember, when we think about these changes and discuss their implications for civil rights, that the diversity which we enjoy today and look forward to in the year 2000 is this nation's greatest resource. It is this nation's real wealth.

That diversity is in no small measure a result of the progress we have made in the last 24 years since the Civil Rights Act of 1964. That landmark legislation ushered in a new era. Vice President George Bush has been talking about the politics of inclusion. The Civil Rights Act ushered in the era of inclusion and created the EEOC to ensure equal opportunity in the crucial area of employment.

Now, the progress that we're talking about that we are celebrating was not achieved overnight. Although that's what some expected and I suppose that is what others feared, the EEOC had a rocky start, but in the last 8 years the Commission has come of age, and the public knows that equal employment opportunity is the law and that the EEOC is in business and means business. We have improved our processes, raised our professional standard, and achieved some real credibility.

We look with pride at today's diverse work force as evidence of our success as an agency and, more importantly, our success as a nation. Men and women of all ages, all races, nationalities, and religions work side by side, and that includes those with handicaps who, given the opportunity, are leading full lives, supporting themselves, and contributing to and sharing in this country's economic blessings.

Now, for sure, this being an election year, there's a lot of talk about how slow and how uneven the progress has been, and it has been slow and uneven, and we had a graphic representation of that this morning from two of our speakers. But I think that rather than spend our time and energy decrying and debating the pace of the past, we ought to focus on removing the obstacles that remain, identifying them and removing them. Because we are going to need this rich, diverse work force to provide the fuel to propel our nation to greater productivity and greater competitiveness in the 21st century.

To harness this energy, certainly the most important challenge will be to strengthen America's educational system. It must spark that engine. It must prepare tomorrow's work force. This country can no longer afford to let the lack of basic skills immobilize the underclass and stall minorities and new entrants. And remember, demographic changes represent a tremendous opportunity for minority workers. Employers will be hungry for qualified people and more willing to offer jobs and training to those who have been traditionally victims of discrimination, but they have to have the basic skills to take advantage of those opportunities.

In enforcing Title VII, the EEOC has become keenly aware of the link between employment opportunity and equal educational opportunity. From generation to generation, denial of educational opportunity has blunted the remedial effect of our civil rights laws. We at the EEOC have recognized this and negotiated, I think, a couple of very innovative settlements that I want to tell you about because they strike at the root cause of the discrimination. We have insisted, and employers have increasingly come to see, that more may be required than the opportunity to do a job, that skills, that training are needed to be able to do the job effectively to be able to keep the job and to be able to move up that economic ladder.

Let me tell you about the EEOC and General Motors and how they settled an employment lawsuit in 1983. GM set up a training program for employees and allocated a million dollars for local resource organizations to help GM workers and their families acquire just the basic skills they needed to take advantage of the training and educational opportunities that the settlement provided. They got backpay, big backpay, jobs for previously excluded women and minorities, and even endowment funds to pay for the college education of GM employees.

I don't know how many of you have seen the Hudson report, "Work Place 2000," but I was reading it on the plane coming out, and I will be alluding to it in this presentation again. One of the statistics that I found absolutely astonishing was that between now and the year 2000, for the first time in history, a majority of all new jobs available will require post-secondary education.

Well, that GM settlement today seems downright prescient. We were certainly instructed by it when we recently renegotiated a similar settlement with Ford. Ford, I think very wisely, put as the showpiece of this settlement a $2 million middle school map and science project for three schools in Detroit, Cleveland, and Chicago, all with high minority enrollments and located in areas where Ford has major facilities. Ford is putting money where it is going to be needed, and that is to train these workers that they are going to need.

But remember—and we all have to remember—that both the Ford and GM settlements grew out of charges of old-fashioned discrimination. We recognized that backpay or an entry-level job would not make some victims whole if their future performance was doomed by inadequate education.

In carrying out our mandate, we enforced the law. We made good on a civil right. But something else happened in those settlements. We were able to convince two important employers that more was needed, and that it was in the company's interest and in society's interest to take the lead in filling that need.

In the 4 years I have been at this job, I have come to appreciate that, in fulfilling our congressional mandate in guaranteeing the rights of American workers to be free from employment discrimination, we can often appropriately achieve enlightened social policy and fill important social needs. That is what happened in GM and Ford. But we have to remember that Congress makes the policy choice, and when Congress has not provided a legislative mandate, such EEOC action is not appropriate. We need to resist the temptation to use our enforcement authority in a way that Congress never intended.

When women entered the work force in unprecedented numbers in the post-1964 area of inclusion, that temptation was great. One of the first issues to arise was whether a woman's ability and, arguably, likelihood to become pregnant could legitimately be considered by her employer. Did such consideration constitute a barrier to equal employment opportunity covered by Title VII?

Congress answered, "Yes," and amended Title VII with the Pregnancy Discrimination Act. The EEOC has vigorously enforced this civil rights legislation which was made necessary by demographic changes and which solved a social policy dilemma. I don't know if it solved it; it helped to solve it.

More women entered the work force, and more women endured sexual harassment. Congress told the EEOC to do something, and we did. We wrote guidelines concerning sexual harassment, said it was an employment barrier, and forced the congressional mandate that sexual harassment was reachable through Title VII, Civil Rights Act. And in 1986 the EEOC's position on the first sexual harassment case to reach the Supreme Court was adopted by the Court unanimously, validating many years of diligent civil rights enforcement on behalf of women.

More women entered the work force and found themselves channeled into sex-segregated jobs, into traditional women's work which they believed was unfairly underpaid. Sex-segregated jobs were clearly a denial of equal employment opportunity under Title VII, and the EEOC vigorously prosecuted their charges.

The fairness or unfairness of salaries paid to holders of traditional female jobs was something quite different. The legal theory, as you well know, started out being called comparable worth. Today it's referred to as pay equity. You may well remember that somebody once called it "Loony Tunes." But the courts have been unwilling to embrace the theory and say that this disparity is covered by Title VII, and the EEOC has, of course, followed these decisions and left the matter to the Congress, where it now is and is being debated—slowly.

What are the social policy issues of women at work today? Well, for starters we're looking at child care, we're looking at parental leave, and I am delighted that they are being debated in the election campaign and in Congress. I think it's great that both candidates are talking, thinking, and proposing solutions for these two pressing social needs. They are undoubtedly being driven and will continue to be driven by changing demographics. They are issues for the Congress to confront, and we, like the rest of the Nation, are watching carefully.

The graying of the American work force is another demographic fact of life, certainly in the year 2000 raising significant social policy dilemmas and law enforcement issues. We enforce the ADEA [Age Discrimination in Employment Act], which Congress passed, and the Congress has revisited these issues several times. Each subsequent amendment has had important law enforcement implications and social policy implications, and some of those are things that we are all going to be wanting to think about.

For example, when Congress lifted the cap on mandatory retirement, questions were raised about pension plans: Should employers have to contribute beyond age 65? Should workers who were staying on the job longer be retrained? They were going to need to be retrained, but should those slots be taken from younger workers? Would opportunities continue to open up if they stayed on forever?

These really are questions of equity, but they have been posed to us at the EEOC mostly by a very powerful age lobby as questions of civil rights. Now, we have been asked to stretch the discrimination laws to cover these questions of equity. I have to ask you, as we have asked ourselves, whether it makes sense for these broad philosophical issues to be addressed by an agency that must enforce the laws as Congress wrote them, as Congress intended. And they are questions like: Should early retirement incentive programs be allowed? Is it good for society to tempt older persons to retire when they can afford to, given the fact that they are needed in the work force? Is the retirement good for older workers?

I really can go on and on. On the plane, as I said, I was reading the Hudson Institute report on "Work Force 2000." They asked crucial policy questions: How can we maintain the dynamism of an aging working force as the average age of workers climbs towards 40? On September 4, the *Washington Post* had an article they ran entitled, "The Graying of the American Work Force: How Can Productivity be Maintained?"

Let me tell you, if such questions were asked in the context of an employment discrimination case, they would be deemed per se employment discrimination. But we know that those questions must be asked, and you are the proper people to ask them. They should not be answered, certainly, in the guise of enforcing the laws against employment discrimination. They should be vigorously debated in the halls of Congress and resolved there. These are crucial social policy questions, and I take my hat off to you to be beginning to ask them in the appropriate forum.

I spoke earlier of the diverse work force as the fuel which will fire America's engine. A crucial additive to that fuel will be immigrants, who represent the largest share of the increase in the population and the work force since the First World War. Congress recently addressed the law enforcement and social policy concern raised in the Immigration Reform and Control Act, IRCA.

Let me state at the outset that, although I am aware of and concerned about the terrible problems of illegal immigration, I was skeptical of IRCA. I believed then, and I believe now, that America needs more immigration—and I guess that is a difference of opinion between my colleague, Mr. Ezell, and I—not less. However, we do agree that, throughout our history, immigrants have filled jobs, not taken them away. Most importantly, immigrants have brought a special enthusiasm, a special dynamism, that enriches this country.

Frankly, one of my fears about IRCA was that, in an effort to be in compliance with the law, employers would overreact and discriminate against the foreign looking, the foreign sounding. Some did, but they soon found out, both from the Immigration and Naturalization Service and from the EEOC, that that was a Title VII violation at the Justice Department, and the EEOC would prosecute. Title VII covers not only citizens but intending citizens and, as far as the EEOC and the courts are concerned, undocumented aliens as well. Our civil rights laws protect past, present, and future immigrations.

But what are the social policy implications? How can we meet the challenges which great numbers of immigrants pose? I certainly hope that IRCA will help to end the unconscionable exploitation of undocumented workers. There was a *Los Angeles Times* article yesterday on sweatshops in the restaurant and apparel industries, and it only points up to the importance of vigorous, aggressive law enforcement in this area. This is one of the special challenges of the demographic changes.

But actually it brings me right back to our educational system. Our system has traditionally opened the door of economic opportunity for immigrants. It can do no less today, and it must do more tomorrow. Education is, after all, the most basic of civil rights.

That takes time, and in the meantime we are going to be diligent in our law enforcement efforts. We are going to root out discrimination that threatens the economic well-being of these new Americans. For example, we have been out there attacking "English-only," no-accent rules. We think that unless these rules are germane to the job, people should be free to speak to each other in whatever language they wish.

This forum is called "Changing Perspectives on Civil Rights." I'm not sure from the EEOC's perspective that there has really been much change. Since 1964 we have been charged with enforcing the civil rights laws guaranteeing equal employment opportunity. Those laws were passed to protect and promote this nation's diversity, and the EEOC must ensure that we continue to do just that. The changing demographics we have been discussing are not a difference in kind but rather perhaps of magnitude. They may in some way make our job easier. We as the EEOC will certainly be more visible, and we can only hope that the Congress will come through with the needed resources to allow us to do our job more effectively.

But I think the biggest challenge facing us is to resist the temptation to use our civil rights laws to accomplish what may or may not be laudable social purposes but which really do not fall under the mantle of civil rights as defined by Congress. The debate over social policy must continue, but there can be no debate over the necessity of vigorous enforcement of the laws against employment discrimination.

Thank you. I'm sorry I ran a little late.

Discussion

COMMISSIONER DESTRO. That's okay. Thank you very much.

What we're going to do now is turn to questions from the Commissioners, and we'll take a break about 10:25 to allow the reporter to stretch her fingers a bit.

I will turn first to Commissioner Guess and let him begin.

COMMISSIONER GUESS. I have no questions.

COMMISSIONER DESTRO. Commissioner Buckley.

COMMISSIONER BUCKLEY. It really is very difficult for me to know where to begin. I've got so many questions, and I unfortunately won't be able to have them all answered. I am impressed by the information you brought to us today, and we certainly hope there are a lot of people out there who will use this information, and we thank you for your diligence in getting this to us.

I'll try to take some of the questions that I have, and if I can I'll start with the gentleman from HUD. In your written testimony you state, "There has been no decline in the level of housing discrimination over the intervening years."

This is what you gave us in your paper. The results of testing in individual cities have shown this to you. Could you suggest what we could do additionally to correct this? You do talk about some of the testing programs later, but is there something we should be looking at to help control this? Our concern is the continued existence of discrimination. Can you talk to us about that?

DR. BEIRNE. As I mentioned, we are doing a study to try to update our understanding of the amount of discrimination that is occurring. However, as I pointed out in the written testimony, there are a number of hopeful signs, and I think it will turn out there are absolutely necessary measures that need to be taken, and that is that the State and local governments have become much more aggressive. We have attempted to encourage that through the fair housing initiatives program and other efforts to get State and local governments operating, to get them certified as equivalent agencies, so that they would be able to handle discrimination complaints on their own. And there has been a pretty fair amount of interest in the States and localities in seeking out status of substantially equivalent agencies.

What this really addresses—depending on which minority population you're talking about; you frequently have entirely different local problems. For example, in much of the Nation the Asian population is very small. On the other hand, in some localities the Asian population is very large. As I point out, Asians and Hispanics have a very low level of filing discrimination complaints. Yet, this type of thing can only be overcome by pretty intense local efforts at getting to the local Hispanic population or the local Asian population, explaining to them what the situation is.

I think there is a better opportunity under the Fair Housing Amendments to get people inspired to do this a little bit more because there are more enforcement powers. But, ultimately, it is going to demand even much more State and local action because we need a lot more in the way of enforcement agencies operating, and the States and localities are much better equipped to do that than in general the Federal Government is.

COMMISSIONER BUCKLEY. In some of the conversations that we have had in visiting with individuals throughout the country, one of the concerns that was brought to our attention—and my question to you now is, Have you heard of this?—is when you are doing the testing, and when you're doing testing that involves the vouchers and the people looking for housing using the vouchers, they have requested assistance from HUD in trying to expedite vouchers to the testers, and they have been having trouble in helping with that aspect of the testing. What is HUD doing in testing in those situations? Have you heard this concern before?

DR. BEIRNE. I haven't heard of that, but that would normally go through the Assistant Secretary for Fair Housing and Equal Opportunity. I'd be happy to try to talk to them and find out what actions they are taking about that.

One of the main problems may be—I'm not actually sure—is that vouchers are in relatively short supply nationally. So the ability of local public housing agencies to make vouchers available for agencies which are attempting to do testing specifically geared to a testing of discrimination against people using vouchers—those activities by PHAs may be hampered quite a bit. But I'd have to look into it before I could give you a fuller answer.

COMMISSIONER BUCKLEY. Thank you.

Ms. Silberman, in some of the meetings again, in some of the talking we have done about these forums, their question to us was: How does discrimination against undocumented aliens become a civil rights issue? What is your authority in dealing with this issue? You did say something about it in your testimony. Could you expand on it a little?

MS. SILBERMAN. The courts have ruled that Title VII covers even undocumented workers. For instance, it comes up with us when a charge is filed on the basis of national origin, and in going in and investigating this charge we see a real pattern of discrimination. But there are a lot of workers who are either afraid to talk to us or who don't happen to show up regularly when our investigators are there. Then we look and we realize that probably this is a situation in which we've got undocumented workers, and then we go in and vigorously enforce the law on their behalf.

I realize that does seem somewhat anomalous to some people in terms that we're trying to stem illegal immigration. However, we do have a very, very clear court precedent on this, and I think it is a good thing because what it's going to do is it is going to stop the exploitation of undocumented workers.

I wanted to just comment on your question to Dr. Beirne, and that is that it's interesting that the pattern of enforcement for the employment section of Title VII is very similar to what is happening in HUD, and that is that we did not get enforcement authority until years after the Civil Rights Act was passed. And the deterrent effect of having tough remedies—and their remedies are really, I think, much stronger than what we have under Title VII—is the single most important factor in stopping discrimination. There is no way that you're going to stop housing discrimination or employment discrimination with each and every individual case that you bring. It has to become not a free good but an expensive operation for people to continue, and that's a good way to get it stopped.

COMMISSIONER BUCKLEY. Thank you.

COMMISSIONER DESTRO. Commissioner Friedman.

VICE CHAIRMAN FRIEDMAN. I, too, am very much impressed with the diversity of views that have been presented to us today, and literally the torrent of information that I am struggling to digest of material and to integrate it. I'll just ask one question for the moment, and I want to field it with Mr. Beirne. Again, it has to do with housing vouchers.

Many of us cut our teeth on certain aspects of the civil rights revolution—like discrimination in housing, etc., and employment—and recognize the existence of the continued traditional forms of discrimination. We sought through legislation to remedy these problems. But, in the case of housing vouchers, you are adding an interesting new dimension to the situation, and I wondered exactly what is the status of housing vouchers in the country today. Do we have enough of them available? Do we need to expand them?

It seems to me if we are looking at the issue of changing perspectives, this may be a really newer form of getting at many of the issues that were once seen as traditional discrimination but now can be seen in another context. So what do we really need here in order to be effective with regard to housing vouchers? What is the supply of them available, etc.?

DR. BEIRNE. At the current time, there are about 130,000 housing vouchers available, and we fully expect to have just about all of them out and rented up by the end of this fiscal year.

What has happened, however, is that the supply is not adequate. There are a couple of different standards by which the supply is not adequate, but it has failed to meet any of the standards so far.

What has happened is that, in general, the administration has asked for as many as 100,000 in a year, that is, new vouchers, incremental vouchers. The idea has been to put all of incremental housing assistance, with the exception of some assistance for the elderly and handicapped, into the voucher program. Congress has been very resistant to that and so has provided only between 40,000 and 50,000 vouchers a year, and then has scattered housing assistance among a variety of other programs, including project-based programs, which tend to be much more expensive. For example, you can house between two and three times as many families with vouchers as you can with a new construction project.

So what has happened is that the supply of vouchers has fallen short of what we believe would be necessary in order to handle the needs of very-low-income citizens over even a finite period of time. To some extent it's a question of how rapidly you want to handle that need. It has been estimated, for example, that you would need about 200,000 incremental units of assisted housing every year for between 5 and 10 years in order to handle what are called the worst-case needs, that is, the needs of people who are paying either more than 50 percent of their income for rent or are paying over 30 percent of their income for rent and are living in inadequate housing, if you wanted to do that over a relatively short period of time. If you wanted to do it over a longer period of time and count on turnovers in the programs, you would still probably need to have about 100,000 or more per year of incremental units.

That has been the level which we have requested. What has happened has been considerably different, so that between even vouchers and section 8 housing certificates, we've only been getting about 70,000 to 80,000 units per year. So in that sense, the supply of vouchers and similar instruments has fallen short of what might be needed. And there has not been a real address to the question of how soon do you want to handle the worst-case needs of very-low-income people, and over what time period do you want to do that?

Implicit in what the response has been, I would say that the commitment is only for a very long period, and for the most part we are gradually increasing it. In fact, during this administration we have increased the number of assisted families from 3.1 million to about 4.2 million in the HUD-assisted program. So we've increased it by about a third. But since the number of families gradually increases also, you still are only slowly making progress on the actual need over time.

VICE CHAIRMAN FRIEDMAN. Just a quick followup on this. Under the pattern of changing perspectives or new ways of doing business in this strange field of work, would you be urging us to make any recommendation in, let's say, a report that might emerge from these deliberations on this particular issue?

DR. BEIRNE. Well, we would recommend that everyone focus on vouchers as an instrument just because, if you're going to spend a limited amount of resources for housing assistance, this is the way to get the most people housed, and also to provide them with the types of mobility that they need in order to take advantage of educational and employment opportunities.

In most of the country—and by "most" I mean the overwhelming preponderance of the country—there is available housing which vouchers can effectively enable people to occupy. That would be the direction I would suggest going, to keep a consistent move in that direction.

COMMISSIONER DESTRO. Let me just ask a quick followup question to that. How much is a voucher worth?

DR. BEIRNE. Nationally, it's between roughly $3,200 and $4,000 a year.

COMMISSIONER DESTRO. Thank you. Chairman Allen.

CHAIRMAN ALLEN. Thank you.

I have far too many questions to have answered this morning, so what I'm going to do is make a series of observations which are really questions in my mind, with the hope that as they strike you, you may in after-times take the liberty to jot me a line responding to these concerns that I have. And then I will ask one question finally in the way of something of a thought experiment, which all of you or any of you might respond to.

Your presentations have sparked a number of things. Let me just mention one of the least significant in one sense but most significant in another which came out of Mr. Butz's presentation. You had a chart reflecting educational attainments of 25- to 34-year-old persons, comparing blacks and whites, between 1980 and 1987. I was very curious about the change on the black side of that chart which moved from 75 to 82 percent totals, with percent of high school graduates. I didn't understand it, perhaps, but it would seem to show no change at all with those who had 4 more years of college.

So it would seem to me a statistical anomaly, if you get this movement in the total population, increased years of schooling through high school, but you get no movement from 1980 through 1987 in years of college, and I wondered whether there had been any work to explain what can only be a statistical anomaly and, therefore, must have an explanation apart from the numbers themselves.

We will want to know the answer to that question eventually because it touches upon a phenomenon, a matter of changing demographics, if you will, that is extremely sensitive today.

Now, that's the kind of thing that happens through much of your testimony. You've been talking about housing vouchers. I am very much concerned to know what the regulations are at HUD that deal with the issues of vouchers in rent-controlled communities, whether anyone has ever brought this subject up. I would like to know if anyone has ever anticipated the possibility of collusion between municipalities and Federal bureaucrats that can force people to accept vouchers to pay rent-controlled rates in apartments and, therefore, represent a way of expropriating people's property rather indirectly. That's just one question that would affect it, and I would like to know if it has at least been discussed, eventually if not otherwise.

More importantly than that in the housing area, we recently in the past couple of years got Congress to recognize the significance of tenant management and ownership in public housing—and we've not talked about that this morning—and I think we'd want to know before we're done whether HUD has actively undertaken to fulfill the intentions of that legislation, that design, and whether we are going to move finally in the direction of placing persons who presently occupy public housing in the position of owners and managers of their own fates as well as their own properties.

Among the other questions that have been raised by my colleagues, I share the concern with the Fair Housing Act Amendments and whether they answer the kinds of questions that have been regarded as outstanding up to this point, and I think you have spoken very well about that, but there may be other things we want to consider.

I would also be interested in remarking on a matter of usage that I've been concerned with for some time past. I know we speak about illegal aliens, and I know that that is the language of the law and no one is to be faulted for using it, but I must share with you that I've always had a reservation about that formulation. I prefer to call them illegal immigrants rather than illegal aliens. I don't know how it is possible to be illegally alien, nor whether the people are genuinely alien.

But when we're talking about changing perspectives in civil rights, it is often important to remember to think about our language, how we phrase things, because our phrasing often disposes us to make use of persons and things in ways that we wouldn't necessarily be proud of. So if we choose our words with care, we may end up doing things that we all are far more proud of in the end.

I am very much struck with the observation from the Hudson report about the majority of new jobs by the year 2000 requiring more than secondary education, particularly in light of that chart from Mr. Butz that I mentioned earlier.

There are other such reflections that struck my mind as you spoke, and I mention these things mostly to say to you, "Thank you." You have caused me to think and you have caused all of us to think, and I'm certain something will come of this thinking.

I'd like to leave you with one thought experiment of your own, as I pose a question to you. Mostly you talked about how to predict the future in various ways. The one question that stood out in my mind above all the others is: How much of the future that we predict is really our future?

What do I mean by that? I mean, when we speak of predicting the future, do we bother to explain the relationship between prediction and choice? Can we say how much of what we predict for the year 2000 is irreversibly fated because of choices we have already made? And how much can be otherwise if we make different choices even now?

That's the question that I think is most important for us. Are these predictions of what the work force will look like, what will be the character of our lives, technological intervention, the various activities we devote ourselves to—how many of those things are yet to be affected by choices that may yet be made, and how much is genuinely prediction, the expression of irreversible choices, commitments already made?

Any one of you might want to take that.

VICE CHAIRMAN FRIEDMAN. Would you ask him to repeat the question?

[Laughter.]

COMMISSIONER DESTRO. I think with that we will leave it as a thought question, since nobody leaped forward to answer it.

I will now turn to Commissioner Chan.

COMMISSIONER CHAN. Since I am new in this area, first I must compliment the gentlemen and lady from the HUD area, the Department of Labor, the Department of INS, and the EEOC. And since I am new, I have an empty databank.

[Laughter.]

But this databank has some feedback, so I'll ask specific questions, if you don't mind.

In the HUD area, I'd like to know if HUD has any realistic plan for the homeless.

DR. BEIRNE. We think we have a very realistic plan. There are a variety of elements involved in planning for the homeless. There is existing legislation on the books now with the McKinney Act. But I would like to point out that the McKinney Act, even with what might look like relatively sizable funding, pales in significance to the amount of activity that's going on in States and localities in dealing with homelessness.

One of the things that we have tried to impress as much as possible is that homelessness tends to be very different in different localities. In fact, in some localities large portions of the homeless population seem to be families. In other cities, even major cities, 80 to 90 percent of the homeless are unattached adults. And that kind of difference requires completely different types of responses.

In dealing with our planning, at the moment, first of all, we've been working with the Interagency Council for the Homeless, which Secretary Pierce is the Chair of, and which was established under the McKinney Act, which is responsible for coordinating homeless policy across the agencies.

Our present focus is really more to work with localities using the existing grant systems and to move them in the direction of focusing on the transitional needs of the homeless. In many cities across the country now we have reached the point where the available emergency beds, at least based on last winter's experience, appear to exceed the peak demand. This has occurred even in cities such as New York, but it has also occurred in St. Louis, for example, and Denver.

What you have is a situation, then, if the city reaches a point where it can identifiably meet its emergency shelter needs, what it needs to be looking at are transitional aids. In that case, the real focus needs to be on enabling the homeless to take advantage of existing programs, which are scattered across all the agencies. That is one of the reasons why the Interagency Council reflects all the agencies that are involved, including HHS [U.S. Department of Health and Human Services] and so on. But also because of the block granting of many of the programs across the agencies, it requires the localities to use either block-granted funds, private agencies' activities, and so on to provide that kind of transitional support.

So I think primarily our strategy at the moment has been using the McKinney Act monies to try to work with localities on making this transition now to enabling the homeless to both reenter the available programs and to make some kind of transition to the mainstream, if you want.

COMMISSIONER CHAN. Thank you. Time is running short and I'll make it quick.

The second area is in Mr. Hirabayashi's area. You mentioned the women's work force, and the exceptions are natural scientists and computer specialists where their share is low. Do you know the approximate percentage of how low in that area?

MR. HIRABAYASHI. I don't have that information with me, but I will be happy to make it available for you.

COMMISSIONER CHAN. Thank you. Also, what is the unemployment rate for the Asian graduates?

MR. HIRABAYASHI. Again, that information is available. I think it was touched on here earlier by other members of the panel, but the population itself is fairly small, and in terms of sample size for current unemployment—statistically, we haven't had sufficient data to make that particular estimate. But the information is available through our 1980 census which is now, of course, some 8 years old. And I guess there is some question about the 1990 census, whether that information will be available.

COMMISSIONER CHAN. I'd appreciate it if you would give me some feedback in the near future.

MR. HIRABAYASHI. I think Mr. Butz would have that information.

MR. BUTZ. Well, I don't have all of it, Commissioner, but from the 1980 census the unemployment rate, actually for 1979, for all Asian and Pacific Islander groups together was 4.7 percent, which I believe was a little less than the overall rate in the population. That varied from a rate of 9.7 percent for Samoans, for example, down to 3 percent for Japanese. There's a lot of variability.

COMMISSIONER CHAN. That's the exact question I planned to ask you, the percentage of Asian graduates unemployed. That's a similar question.

MR. BUTZ. Yes. And as the Commissioner said here, the reason that that information is not available since then is that it requires a very large sample to produce information like that, and such a large sample becomes available generally only every 10 years in the decennial census.

COMMISSIONER CHAN. Thank you.

Your chart shows the black women family money income.

MR. BUTZ. Yes, sir.

COMMISSIONER CHAN. The bottom portion says, "Female Householder, No Husband Present." In 1969, I'm surprised that the average income is higher than the 1987. Can you explain why?

MR. BUTZ. Well, first, that is corrected for inflation. Nevertheless, that is a significant fact, that measured income between 1969 and 1987 for those families headed by women did not increase. Now, those two numbers are not statistically significantly different, so all we can really say is it didn't change. It simply didn't change. Why it didn't change, I don't know. I can point out, though, that the amount—well, let me leave it at that. I really don't know why it didn't change.

COMMISSIONER CHAN. According to what you said, if this is because of inflation, on the upper chart the married couple in 1969 was lower than 1987.

MR. BUTZ. No, it's not because of inflation at all. Clearly, this experience is not the general experience. The general experience in the population, and for most population subgroups, is one of increasing median family income adjusted for inflation between those years. This is an unusual experience for this group, female householder families.

COMMISSIONER CHAN. Thank you.

Mr. Ezell, I have a concern about immigrants. I'm an immigrant, too.

MR. EZELL. All of us are.

COMMISSIONER CHAN. I am in the area of how to blend into the American way of life. Does the immigration office have any plans that require a new immigrant to acquire a certain basic English proficiency or blending into the American way of life? Because mostly the immigrant has a sponsor, and the sponsor should be more or less responsible for the well-being of the immigrant, too. I'm not saying this is the responsibility of the INS. I'm talking about maybe there could be a requirement for the sponsor to assist the new immigrant to achieve a certain basic education in the American way of life. Then it will become much easier for him to work in the mainstream.

MR. EZELL. Well, there are really two problems, Commissioner. One is the area of legal immigration, which has a different not only demographic but a different educational, economic position, as opposed to those who are illegally here. As you come through the legal immigration system, not only do you have the medical check and all the other things, but you also have a goal. Most generally, those who come legally have a goal of becoming United States citizens. Once you take that examination, you have to show some kind of a proficiency to a degree of the language, as well as some understanding of our government, civics, and so forth.

Right now we are going through a major challenge in phase II of amnesty, where we've got 2.5 million people who are going to have to go into some kind of educational program to get a survivor ability in English. It's very important, I think, the ability to communicate in that common language that's the glue that holds us all together. The other part of that program in phase II is the civics and history and government understanding, which we are doing everything we can to pull it together.

But if you are here illegally and you didn't come through the phase I of amnesty, there is very little we can do or anybody else can really do in the government to cause an assimilation into our fabric. And that is a disadvantage for those who are here illegally.

COMMISSIONER CHAN. So far INS does not have such a plan or such a requirement for the immigrant?

MR. EZELL. Well, we can't do much more than what Congress has told us to do, and it really comes down to the time when you become a citizen. That testing that you go through, the examination, is where you come to us, and we say you either passed the understanding or you didn't.

COMMISSIONER CHAN. Thank you. One last question.

COMMISSIONER GUESS. Mr. Chairman, I changed my mind.

COMMISSIONER CHAN. Yes, Mr. Guess.

COMMISSIONER GUESS. Mr. Ezell, following up on that very briefly, the bottom line question: To what extent has immigration reform, regardless of everything we said here today, in your own opinion, stemmed the tide of illegal immigrants into the United States?

MR. EZELL. Well, the statistics are down as far as apprehensions on the southern border. I was looking at them a few minutes ago. We're down about 30 percent. And that sounds wonderful, but it still means we apprehended probably 2,000 people yesterday along the southern border.

COMMISSIONER GUESS. On a typical day, then, how many illegal immigrants do you suspect are coming across our borders?

MR. EZELL. Well, we apprehend 2,000, and I can guarantee you that if we're 30 or 40 percent effective, we're doing a pretty good job. Of that percentage that we apprehend, I don't believe but maybe 10 percent finally say, "I'm not trying it again." Eventually they keep trying it. That's why employer sanctions are so important. It's illegal now to hire someone who is illegally here.

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Commissioner Guess. Well, I can appreciate that employer sanction. In looking at the change in demographics, though, is the Immigration and Naturalization Service, in particular, and the United States Government, in general, capable of protecting the integrity of our borders? Are we going to be able to do it?

Mr. Ezell. I believe that it's essential for the survival of this nation that we do regain control of those borders. I believe that employer sanctions will help. I believe that 95 percent of the employers in America are law-abiding people, and they will obey the law.

The thing we have working against us until December 1 is that agriculture employers are exempt from employer sanctions. I don't know how they did it, but they did it. Everybody else is under sanctions, but not agriculture. I believe beginning on December 1 you will see a major turn downward of apprehensions. It will take us another 6 to 8 months before I think we can answer that with real integrity, that it is really starting to work.

Commissioner Guess. Mr. Chairman, may I ask an editorial question?

Commissioner Destro. Yes, sir.

Commissioner Guess. You keep referring to the employer sanctions, and we've had this debate around this table for a number of years now. And I continue to ask: Why does it become necessary for the United States Government to put the burden of protecting the integrity of our borders on the American businessman? Why is the United States Government not capable of doing that themselves?

Mr. Ezell. Well, I believe it's a basic philosophical and, not only that, a political decision. But you have two choices. You either take away the magnet, the draw, which is economic, or you put the military on the border, which none of us wants. The Immigration Service isn't promoting that idea.

We have not been serious about border control—not border closing but control—where we have had less people on the border at any one given time than we've had guarding our monuments throughout the Nation at any one given time. There is a priority imbalance. I think this administration has given a 50 percent increase in Border Patrol agents, which will help. They will be in place by May of this coming year. It takes a while to train them and get them on, and oftentimes you are given this wonderful political reelection year contribution of numbers of people without resources. That's what happened to us in 1986. We got the money this past year to put these people in place. It wasn't easy.

Commissioner Chan. I have one last question.

COMMISSIONER GUESS. Mr. Chairman, I want the record to clearly reflect that I have exercised a good deal of restraint.

COMMISSIONER DESTRO. It is duly noted, Mr. Guess.

Mr. Chan, your last question.

COMMISSIONER CHAN. I have one short question. This is in Ms. Silberman's area.

Talking about priority, as Mr. Ezell has mentioned, what is the priority, the most needed improvement area in the EEO area for women? Is it child care or others?

MS. SILBERMAN. Are you talking about broad social policy?

COMMISSIONER CHAN. In the broad sense. If somebody asked you to pick one subject, what is the most important one in that particular area?

MS. SILBERMAN. That is a very difficult question, and I really don't quite know how to answer it. I keep going back to education. I don't think that anything has as much effect, and it really brings me back to the Chairman's question about whether we have an effect in what we do. That is the nightmare question, as you well know, of any public servant.

The truth of the matter is that there is a relationship between prediction and choice, and that mistakes that I or we make today will be projected into those figures that you hear tomorrow, just as the question that you asked, Mr. Chan: Why is it that the lowest rate of increase—as a matter of fact, there is no change in the economic circumstance of black female-headed households over the last, I think it was, 19 years. That did not happen by chance. It happened as a result of social policies that have not worked or that have worked to the detriment. And I think it is certainly incumbent on all of us to think about what we've done, what havoc we have wrought, what good we have done, and project that.

In terms of women, I have to get back to education. I think that child care certainly is a big problem, but it's a big problem for a targeted segment of the female population. The women that are in the most trouble are the women who are having babies, unmarried, and who do not have a WIF. If they had child care, there really isn't anything for them to go out and do because they don't have the training and the skill to do it.

COMMISSIONER CHAN. Thank you. You have answered the question.

COMMISSIONER DESTRO. I'm going to raise one question but not necessarily require an answer. I would appreciate it if you would get back, especially Mr. Hirabayashi, Mr. Butz, and Commissioner Silberman. One of the issues that we haven't really touched on is the degree to which the work force is changing and will result in greater opportunities for handicapped people, and that is not reflected in any of the census statistics, and I would be interested in knowing what impact that is going to have, especially given the need for additional workers and whether that will be significant.

With that, we will take a 5-minute break and recommence at 10:50 with the next panel, which will be chaired by Commissioner Buckley.

[Recess.]

Public Policy Effects of Changing Demographics: An Overview

COMMISSIONER BUCKLEY. If we can go ahead and get started please, we do not need a full Commission sitting at this point. They can still hear us from the back.

This second panel is the "Public Policy Effects of Changing Demographics: An Overview." Hopefully, we have you seated in the right situation.

Professor Ivan Light is from the Department of Sociology, University of California, Los Angeles; Professor Roger Daniels, Department of History, University of Cincinnati; Dr. Manuel Justiz, College of Education, University of South Carolina; Señor Antonio Serrata, Chicano Studies Research Center, University of California, Los Angeles; Dr. Jonathan Leonard, School of Business, University of California, Berkeley; Professor Bruce Cain, Division of Humanities and Social Sciences, California Technic.

We welcome you to the panel. We would again ask that you try to limit yourself to 15 minutes to try to get us through all of the members. It is a long panel, and we know you have a lot of information for us. We will begin with Professor Light, and I will try to give you a 5-minute and a 2-minute warning with this beautiful poster here so that you will be aware.

Statement of Ivan Light, Department of Sociology, University of California, Los Angeles

DR. LIGHT. Thank you very much. Did you say 20 minutes?

COMMISSIONER BUCKLEY. No, I said 15 minutes for your speech if you can give it to us. I will give you a 5-minute and a 2-minute warning.

CHAIRMAN ALLEN. It was a good try.

[Laughter.] DR. LIGHT. Fine. Thank you very much. I am very pleased and indeed honored to be here. It is very gratifying. I don't often have an opportunity to take myself away from my research interest, to raise my eyes up to heaven, and to think about what ought to be done, so when I do have that opportunity, it's a rare pleasure. I am also particularly happy to be followed by a number of very distinguished scholars, especially Professor Daniels, who is sitting here on my right. He is one of the earliest critics of my work and one of the most vigorous, so I can be confident that anything I say here that is incorrect will be immediately erased from your memory banks when Professor Daniels speaks next.

My subject is rethinking entrepreneurship. The subject of ethnic and immigrant entrepreneurship is one that I have long had an interest in. I published a book back in 1972 on this subject, to which Professor Daniels took vigorous dissent, subsequently continued to work in the field, and recently finished a book on Koreans in Los Angeles with my coworker, Dr. Edna Bonacich at the University of California at Riverside. This book is entitled *Immigrant Entrepreneurs* and was recently released by the University of California Press.

I am working now with Dr. Carolyn Rosenstein on another project that involves research into immigrant and ethnic minority business enterprise. This uses the Public Use Sample of the 1980 census, and it's about halfway done. We hope it will turn into a useful book. Dr. Rosenstein is the coauthor of the paper I am presenting today.

It's called "Rethinking Entrepreneurship," and I suppose the paper's most simple point is that entrepreneurship needs rethinking, and I propose to make that claim, and in addition to raise four additional points, all in support of a rather simple proposal. The proposal is that it is both desirable and feasible to channel some youthful offenders away from career criminality and into small business enterprise, and that if that were feasible, as I claim, it would be desirable because these people would then cease to be, in the future, social problems who destroy wealth and would instead become people who create wealth. While it is by no means my claim that every youthful offender can be turned into a small business operator, it is my belief that some of them can. And while this would not represent in itself a complete solution by any means to our pressing urban agenda of crises, it would at least be a step in that direction.

I'd invite you to think, when I present this paper, of the humble Brazilian piranha fish and how it goes about solving its problems. It takes a bite here, it takes a bite there, and between all the piranha fish they do a very good job in cleaning off their problems. This is the kind of attitude I have toward my proposal. It takes a bite out of the problem without solving it.

When I say that entrepreneurship needs rethinking, one of the reasons I believe it does need rethinking is because it's so much a part of our culture that we think already we know everything about it. Because we think we know everything about it, we don't pay any attention to it. In fact, a lot of what we think about it is not correct.

One of the things we think about it that is not correct is that we think we know where this belongs in the political agenda we confront. When the subject of entrepreneurship is raised, it comes under the rubric of self-help and fits into our conception of what ought to be a conservative political agenda.

Now, my claim is that that is a misconception, and that in fact the subject of entrepreneurship is really politically neutral, neither conservative nor liberal in its political implications. Here is the way I justify that claim. If you look at the difference between conservatives and liberals in our national politics, the difference comes down, it seems to me, over the role of government in intervening in the economy and also in developing autonomous social problems. Liberals favor them. Liberals favor government intervention in the economy, and liberals favor social programs; conservatives don't favor them. That's the key difference.

Now, when asked what they do favor, conservatives are likely to say, "Well, we think there are already mechanisms for redressing socioeconomic inequities in place," and one of the mechanisms they are most likely to mention is entrepreneurship, a self-help modality of people who are disadvantaged who start their own business and in so doing create a job for themselves, a job for other people, and help to bring up people like themselves who were otherwise disadvantaged.

It is from this that we have gotten our notion that entrepreneurship is part of a conservative political agenda, and it's as simple as that. I disagree with this idea because entrepreneurship is what remains when you take the politics out of it. That is to say, under a liberal political agenda, government's interventionist programs are unleashed, and entrepreneurship remains. Under a conservative political agenda, government's social and economic interventions are restrained; entrepreneurship remains.

So it's in place under all types of administration. What varies is the other aspects of the government's agenda, not entrepreneurship as such. What a person has to decide who wants to know whether he's a political liberal or a conservative is what his attitude is toward interventionist government programs. That's the political issue, the nub of the political issue. But the entrepreneurship part of it is really something that can be embraced by both liberals and conservatives.

So in my opinion, you see, one of the things that needs to be rethought about entrepreneurship is where it fits into the political spectrum. In my opinion, it's really neutral, and it can be part of a conservative agenda, or it can be part of a liberal agenda. Those agendas will differ, but entrepreneurship itself is neither part of one nor part of the other.

My own personal feeling about it is that entrepreneurship has a claim to be able to contribute something very important to the solution of central-city problems, to reducing socioeconomic inequities and differences over a long term period, but that probably it is not enough in itself, and it needs to be supplemented by interventionist social programs. That's my personal view. But I would be prepared to work with anybody who thinks that it is of value.

Another thing that I think needs consideration is just who is an entrepreneur. When we define the term, we may think of someone like Donald Trump who is a wealthy tycoon, but in point of fact most entrepreneurs are not very wealthy. Indeed, most of them make very little more than the average wage and salary worker in their locality. The numbers that indicate this are presented in our paper. They were generated by Dr. Rosenstein from the census. I don't need to go into them except to say that entrepreneurs are not, by and large, wealthy people.

Another thing to say about entrepreneurs is that the line between entrepreneurship and criminality is often a thin one. Some entrepreneurs are really illegal entrepreneurs. These would include people who sell or make products that are banned, such as pornography, controlled substances, prostitution. All of these can be conceived of as entrepreneurs, but they are not counted as entrepreneurs. In the paper I point out that such people really ought to be counted as entrepreneurs but understood to be engaged in a type of entrepreneurship which for a variety of complex reasons is often destructive and antisocial in its consequences.

So the problem is how to redirect people from one form of entrepreneurship to another, how to get them to stop being destructive entrepreneurs, the consequences of whose actions may be personal enrichment but also are socially destructive, to be entrepreneurs who do not destroy wealth, who do not have destructive consequences for their actions, and who help themselves at the same time that they help to enrich the communities in which they live, rather than to impoverish those communities.

On this point, it is particularly important to note that a lot of people who are illegal entrepreneurs and a lot of people who are accused thoughtlessly of being too lazy to work and wanting a government handout are demonstrating by their activity that this isn't at all what they have in mind. For example, supposing you leave today, go to the parking lot, and find that your car has been stolen while you were gone. Now, this theft is somebody else's business, and whatever else you might say about this person's business, however destructive it is in its consequences, you'd have to at least admit that the person didn't wait around for a government handout in order to take action to improve his own lot.

It is for this reason, basically, that I think the idea that our population consists of people who are too lazy to work or who don't want a business or who don't want to work to help themselves—that's a fallacious idea. In fact, there is a tremendous desire out there on the part of disadvantaged people to operate a business. The problem is they don't know how to do it, and they don't have the resources to do it. If they could do it, they would certainly do it.

I would have to be not candid to suggest there are no obstacles to entrepreneurship on the part of the disadvantaged. There are obstacles. They don't have skills; they don't have knowledge; they don't have money. And these obstacles inhibit them.

At the same time, it seems to me that these obstacles are frequently overstated in terms of how much of an obstacle they represent, and that there are certain myths out there that should be debunked in the interest of reducing the perceived obstacles to entrepreneurship, reducing them where in fact the perceived obstacle is greater than the real one.

I'd like to mention two: the myth of finance and the myth of saturation. And I'd like to debunk briefly, in the time that's left to me, these two myths: the myth of finance and the myth of saturation.

The myth of finance is the idea, complexly expressed in different places, either that it takes so much money to become self-employed that there is no way you can obtain it if you are a disadvantaged person or, alternatively, that you can't do it without government help, and that government help is impossible for people like us to obtain.

This mythology is often expressed in popular critiques about the success of the immigrant population in opening small businesses. People look at the immigrants, and seeing that the immigrants are heavily entrepreneurial, they say, "Where did they get the money to do this? Why can they do it and we can't do it?"

They conclude that, well, somebody is helping them, and often there is a mythology that the immigrant entrepreneurs owe their business success to the solicitude of government, and that without government programs in place that uniquely target the immigrant population, immigrants would not be successful, and that government help explains why immigrants can make it and native-born disadvantaged Americans can't.

This was, for example, proposed in an academic setting—critiques of the Cuban entrepreneurial success in Miami. Critics pointed out that the Cubans were beneficiaries as refugees of government resettlement programs that didn't benefit equally Mexicans who are not defined as refugees and, therefore, are not entitled to this type of unique governmental assistance.

In rebutting the point, Dr. Alejandro Portes of Johns Hopkins University observed that if it were true, then all the refugees would have been entrepreneurially successful, whereas in fact the Indo-Chinese who, like the Cubans, are refugees, have a rate of self-employment which is not only not spectacular but is lower than average.

So the claim that unique government programs are required—that claim is not worthy of our belief.

Another issue to look at is that we are a prodigal country. We are a prodigal country from the top to the bottom. Our country owes a tremendous amount of money. We have doubled our deficit in the last 8 years because we spend more than we save, and not only do we spend more than we save, but we save less than we have ever saved in our past. And not only do we save less than we have ever saved in our past, we save less than any other country among the lowest countries. We save about 3.9 percent of our disposable income, whereas the Japanese and the Koreans save between 15 and 26 percent of their disposable income.

Now, it is also true that at the national level, native Americans don't save as much as foreigners, and one of the ways the immigrant gets into business is he saves a lot of money, and this is something possibly that we could learn from them. I am also interested in the role of rotating credit associations and happy to see that the press has recently begun to explore the rotating credit association and the contribution that it has made to immigrant enterprise.

In short, the myth that you can't do it because you can't get the money is just that—it's a myth.

There is a more complex myth I'd like to conclude with, and that is the myth of saturation. It's the idea that you can't rechannel people into self-employment who were unemployed or who were engaged in crime because there is no room, there are already all the firms that can be absorbed, and that if you try to rechannel people, you are simply going to bump up against the fact that there is no room. It's like a crowded elevator. If you want to get in, you must first push somebody off.

It's a myth for two reasons: First, empirically it turns out to be a myth. When we look at the numbers, we find that there are no inverse correlations between how many of group A are self-employed and how many of group B are self-employed. Secondly, it's a myth conceptually because the existence of a limit doesn't prove that we are at the limit.

In summary, I'd like to say entrepreneurship needs rethinking, and that if we think about the subject, we can fairly conclude that something can be done through this mechanism to reduce—not to eliminate but to reduce—the severity of many of the problems that we encounter in central cities and that are characteristic of our disadvantaged population.

Thank you very much.

COMMISSIONER BUCKLEY. Thank you, Dr. Light.

Dr. Daniels.

Statement of Roger Daniels, Department of History, University of Cincinnati

DR. DANIELS. Thank you. I'm going to be talking basically about three things. First, as a historian, I'm going to talk very briefly about the transformation of the Asian American experience, mostly in terms of numbers, since the Second World War. In the central part of my presentation, I'm going to make some comments on the draft staff report on "The Economic Status of Americans of Asian Descent." Then finally, I am going to make some very, very general recommendations.

The total Asian American population, including Hawaii, increased only by 400,000 persons in the first 50 years of this century. Another 300,000 were added between 1950 and 1960, more than half a million between 1960 and 1970, and more than 2 million between 1970 and 1980. And, if we believe the estimates of the Population Reference Bureau, 3 million more will have been added by 1990, for a projected total of 6.5 million persons of Asian American descent.

Since as recently as the 1970s no expert would have predicted a population of even half that size, I really take a dim view of population projections for the year 2000, the year 2010, and 2025. All the population projections I've ever seen in the past have been grossly wrong on a long-scale basis, and I think we have every reason to suspect that the ones made now for more than a few years in the future will be wrong.

Even more startling has been the increase in the number of ethnic groups comprising Asian Americans. As recently as 1950, all but a few thousand of the Nation's Asian Americans were one of three groups: Japanese, Chinese, and Filipinos. In 1980 the Census Bureau specifically named 12 different Asian ethnic groups. Most of this increase has come through immigration, and the Immigration Act of 1965, although there were important things happening before then, was an important factor.

We heard some things, by the way, about the history of immigration a few moments ago that would not be accepted by any scholar. I'd take up all my time if I talked about the conceptual and the factual errors made in the historical presentation. As far as the numbers are concerned, they were pretty good, but it reminded me of the mediocre pianist playing Mozart. The notes were all there, but there was no music.

What has happened is that from 1860 to 1920—this is immigration generally—the percentage of foreign born in our population was an amazingly steady 13 to 14 percent. I point out just in passing that this, of course, is the great age of economic growth in the United States, and I would like to suggest that those factors are probably not unrelated.

After the restrictive immigration of the 1920s, that figure, foreign born as a percentage of the total population, declined steadily with every census until 1970 when it hit 4.7 percent. It had been 13 to 14 percent from 1860 to 1920, and we made a political decision in 1920; we didn't want foreigners, especially certain kinds of foreigners. We made another decision in 1965, which isn't really reflected in the 1970 census. But by 1980 the percentage of foreign born in the population was 6.2 percent, and it will probably be somewhere around 8 percent in the 1990 census. I'm not suggesting it's bound to go up after that.

In view of this, it seems to me the Commission's expressed concern about the economic situation of ethnic groups, which are composed very largely of immigrants and their children, is wholly appropriate, and I commend it for doing so.

The Commission's draft study, "The Economic Status of Americans of Asian Descent," finds, to quote its executive summary:

"We do not find consistent evidence that the earnings of native-born Asian men are lowered across the board by labor market discrimination, since native-born Chinese, Japanese, and Korean men earn about as much or more than non-Hispanic white men with comparable skills and characteristics. To the extent that labor market discrimination does affect the earnings of Asian immigrants, its adverse effect is overcome with time in the United States. We find no evidence that the earnings of Asian women—native born or foreign born—are lowered by labor market discrimination."

While these conclusions may well be technically correct, they are, I believe, misleading, provide an answer to the wrong question or questions, and are posited on assumptions that are fallacious. Perhaps the most patent fallacy, implicit in the entire report, is that there is an Asian American pattern which all groups have followed and will follow willy-nilly. One cannot, for example, make valid assumptions about Vietnamese, no major percentage of whom are yet native-born adults, based on the past performance of second-, third-, or fourth-generation Japanese and Chinese Americans.

I'm going to skip some material here from my written summary.

My differences with the report are largely conceptual rather than factual, although there are a number of discrete erroneous statements in the historical section. And I do have some problems with the data.

The major conceptual flaw, it seems to me, is the apparent search for what the report terms "labor market discrimination." There was a time in American history when explicit ethnic differentials existed.

In the early 20th century, for example, one can find in the archives of American railroads ethnic-group-specific wage rates for certain kinds of common labor jobs: "Americans" would be paid so much, members of various European ethnic groups would be paid so much less, and Asians and Mexicans would be paid even less. The railroads that I've examined were mostly northern railroads and western railroads, and there were no black rates at all because they didn't hire blacks. The Pullman Company did, but the railroads didn't.

This kind of labor market discrimination—when I write about it I call it discrimination by employers; "labor market" makes it sound a nice Smithian, invisible hand doing it, but discrimination is always done by somebody. This kind of labor market discrimination hardly exists today. It is not only illegal, but I suggest that no significant group of employers is interested in pursuing such a policy.

As I read the report, its authors would judge that discrimination existed only if aggregate figures for Asian American employment showed clear and present wage discrimination. Certainly, there are situations in which that kind of accounting can reveal discrimination. The wage data by gender, for example, show a bias against females in almost any way that they are arranged.

Why is such an approach inappropriate for judging whether discrimination against Asian Americans exists? There are number of reasons, some of which I will list, not necessarily in order of importance.

National aggregate data is misleading, first of all, because Asian Americans are concentrated in high-income States. In 1980 almost 60 percent of all Asian Americans lived in just three such States—California, Hawaii, and New York—and almost none live in the lowest income States. Thus, comparison of gross Asian American income data with gross non-

Hispanic white income data, as the draft report does, understates income disparity. Such a comparison, if it is to be made, should be made with the income of non-Hispanic whites in the States where most Asians live.

The report tends to treat Asian Americans in some instances, or specific ethnic groups such as Chinese Americans or Japanese Americans in others, as if they were homogeneous groups. In some instances, however, the gross data conceal as much as they reveal. And this is not a criticism of the data that was presented in the earlier panel, but almost all of it was gross data, but you've got to look beyond that.

Let me give you one example from the 1970 census educational data, comparing Chinese and Japanese. I'm going to quote from a forthcoming book of mine. I use the 1970 data because this is published data, and in 1970 the Census Bureau published a volume on Asian American data that was this thick [indicating], and in 1980 that volume was this thick [indicating much smaller], even though there were more Asian Americans.

The gross educational data for the two communities, Chinese and Japanese, were similar: 68.8 percent of Japanese Americans 25 years of age or older were high school graduates, as compared with 68.1 percent of similar Chinese Americans. Japanese Americans had completed 12.5 median school years as compared with 12.4 for Chinese.

Gross data suggest that these are almost identical educational profiles. But when we look beyond, we find that more than one-quarter of the Chinese Americans had not completed elementary school, and that about the same percent were college graduates, whereas for Japanese Americans the comparable figures were about one-tenth not completing elementary school and one-sixth college graduates. These are very different figures. These are very different profiles when looked at that way.

One should also be aware that the census data does not tell you where the education was obtained. The teenager from Hong Kong with a high school degree, who gets into an American community college, may well not be able to cope because of his language difficulties, etc.

I also think the report overstates income, and in some ways it just eliminates certain people. The most curious elimination was the note to its table 3.7 where they're talking about the income of Asian American married women, and the note says: "Married women, here, include only women who are in marriages where husband and wife are of the same race and nativity." Now, that's a very curious cutting out, and it talks about a lot of people—why, for example, should one ignore the tens of thousands of Asian-born wives of American servicemen?

In 1970 there was a wonderful map put out by the Census Bureau—it didn't have any money to do this in 1980—which shows various ethnic groups by counties in color. For most of the Asian ethnic groups—they just did it for Chinese and Japanese, and for both of these groups, you can locate most of the major military bases in the south of the United States because those are the counties in which there are large numbers of Asians, most of whom are women. These are left out. Similarly, why they should ignore the thousands of Asian-born wives of Asian American-born husbands, I don't understand.

Let me close by giving you some seat-of-the-pants notions by one who has been a fairly close student of Asian American communities for more than three decades. The flowering of Asian Americans, as individuals and as communities, since the end of World War II has been exceptional and reflects great credit on both them and upon the society in which they have flourished. The literature—and especially the popular literature—has come to be dominated by the so-called model minority thesis, which I have criticized elsewhere and I'm not going to talk about here.

By the 1980s, journalists like Bruce Nelson of the *Los Angeles Times* were hailing people of Asian ancestry as "the nation's best-educated and highest-income racial group," while *Newsweek* in a feature article did the same kind of thing.

I'm going to skip some more literature.

There is a good deal of evidence, however, to suggest—I'd say more than suggest, but let's be modest—that many Asian Americans are not members of this model minority. A recently released analysis by the General Accounting Office, for example, reported the increasing prevalence of what it called sweatshops, and most of the employees in these sweatshops, it turns out, are either Hispanics or Asians, and almost all are immigrants.

The latest major components of the Asian American population are from Korea, India, and Southeast Asia. Although it is clear that there are significant poverty problems within each of these groups, they are statistically most significant among the Southeast Asians, who are largely refugees from the war in Vietnam and its ongoing aftermath. The Census Bureau counted more than 300,000 such persons in 1980—245,000 Vietnamese—and some people just say "Vietnamese," but 47,000 Laotians, 16,000 Cambodians, and 5,000 Hmong. The Population Research Bureau estimates there will be over 850,000 Vietnamese by 1990 and over 700,000 other Asians, most of whom will be from other refugee groups.

While every newspaper in America likes to run stories about the Vietnamese girl who wins the spelling bee—and it's a wonderful story, and it was true in a couple of cases—few explicate the wide cultural and economic gaps between the various groups and types of Southeast Asian refugees. Some, such as former high officials and well-to-do businessmen and their families, have come with capital and enjoy a prosperous lifestyle here. Former Air Marshal Ky is a good example. Most of these persons were already oriented to French culture. Others, like Vietnamese fisherfolk, have been able, with government assistance, to reestablish themselves on the American Gulf Coast, although not without both cultural and physical conflict. Many of you may have seen Louis Male's film.

Many others, despite help from government and VOLAG sponsors, are having a difficult time. Let me just give you the census data on public assistance which nobody bothered to give.

COMMISSIONER BUCKLEY. Can we kind of summarize quickly, please.

DR. DANIELS. One piece of data and then I will be done. Then I will make a statement and be done.

In 1979, 28 percent of Vietnamese American households were receiving public assistance, and the figures for Laotians, Cambodians, and Hmong would have been higher had they been reported. The comparable figure for blacks was 23 percent, and it goes all the way down to Japanese at 4.2 percent.

My notion is, if the national poverty norm is 13 percent, that among Asian Americans taken as a total group, it probably runs about 10 percent. That's 650,000 persons in 1990.

What should the Commission do? First of all, I would hope that it sees for itself. If its members have not already done so, I would suggest visits, with appropriate guides, to inner-city ethnic enclaves in San Francisco or New York, a trip to some of the poorer Vietnamese communities in Orange County, an exploration of a Hmong settlement in San Jose and Minneapolis.

Armed with that and other knowledge, I would hope that the Commission endeavors to establish a level playing field, which in this instance means, above all, intensive language training and the establishment of programs to create marketable job skills. If this is not done, we will surely witness the development of a new variant of the culture of poverty, Asian American style.

I'm sorry if I ran over.

COMMISSIONER BUCKLEY. Thank you very much.

Dr. Justiz.

Statement of Manuel Justiz, College of Education, University of South Carolina

DR. JUSTIZ. Thank you, Commissioner.

First of all, I want to thank you for the opportunity to be before you today. I am reassured by the foresight of this Commission in conducting these hearings because I think that the issues you are raising are of critical importance to the future of our country.

I will ask you, if you would, to enter my remarks for the record. The data I will be sharing with you is based on an article that was recently published in the *Educational Record*, which is a magazine of higher education of the American Council on Education. It is coauthored by a dear friend and colleague, Reggie Wilson, who is director of minority concerns for the American Council, and a distinguished black educator and former college president.

I am deeply concerned about the future of our country. I am concerned about it because, as you look at the projections for the future, you see a tremendous demographic curve, principally made up of Hispanics and blacks. And you have to admit, if you look at the projections, which for the most part are very conservative, that our nation is changing dramatically right before our very eyes.

The concern I have is that as these dramatic demographic changes occur, what we are seeing on the other hand is an acute decline in the participation rates of minorities, Hispanics, and blacks in our educational system, both in high school and particularly in college. I submit to you that if we allow those trends to continue, what we will have in this nation in 30 years from now is basically the creation of an underclass. We're going to see large cohorts of our society, principally Hispanic, black, and other minorities, becoming increasingly disenfranchised and not participating in the opportunity that this nation has come to be known for. I am concerned that the trademark of America, the American dream and the opportunity for which our land has become known, may in fact become a thing of the past for minority cohorts.

If that happens, and if we allow this trend to continue, this nation will resemble more the political-socioeconomic makeup of a Latin American nation than the United States of America. And that to me is of deep concern and deep trouble. You see, I believe in this land, I love our freedom and our democracy, and my concern is to preserve the integrity of our political system and the opportunity that America has become known for, that all of us in one fashion or another can talk about to the realization of our own American dream.

But the information is alarming. Let's take a look at the data. I know all of us are familiar with it, but I think it's helpful to refresh our memory.

Based on the 1980 census, by the year 2000 one out of every three Americans will be nonwhite. Today we are a nation of 14.6 million Hispanics and 26.5 million blacks. By the year 2020 we will be a nation of 44 million blacks and 47 million Hispanics, even more Hispanics if the immigration rates continue to increase. Now, there are other minorities that come into the picture, but I am focusing particularly on the Hispanic and black cohort because they are such a predominant proportion of our population projections.

Now, the total United States population by the year 2020 will be 265 million people, a very small increase from our current 238 million, and more than 91 million of those will be minorities—mostly young with much higher fertility rates than the rest of the population. Now, keep in mind that we are entering an era in which youth will be in short supply in America, and yet the increasing youth cohort will be made up of minorities, again principally Hispanic and black.

As we find a rapidly aging middle class retiring, their retirement income will be provided increasingly by the minority cohort. In the year 1992, three workers will provide funds for each retiree. One of the three will be a minority.

Now, the 1980 census tells us that the average white person in the United States is 31 years of age; the average black is 25; the average Hispanic is 22. So you can see that the population projection in terms of fertility rates is definitely going to be with the minority cohort. So not only are we seeing a tremendous increase in the number of the minority population, but the fertility rates are also going to be on the side of that population curve.

Now, the demographic trends reflect a dramatic increase in the minority population of our nation at a time when the dropout rate is at its highest point, and that is what I am concerned about. If you concur with the belief that education is the key to the realization of dreams, and that education is a key tool towards bettering yourself and participating in leadership roles in our society, then we are in for a very, very bad experience.

Let's look at some of the data for just a second. In the State of Texas, Commissioner Buckley, your home State—and this is not unusual; this is happening across the country—last year one first grader out of two was either black or Hispanic. However, by the ninth grade, the ratio decreased to one out of three either black or Hispanic. The reason for the decrease is that 50 percent of all Hispanic students drop out before the ninth grade, the highest dropout rate of any ethnic minority group in the State of Texas.

But Texas is not unique. Take a look at New Jersey. Last year one ninth grader out of four was either black or Hispanic. If you look even further back down into the earliest grades, we find the ratio rises to one first grader in three either black or Hispanic. These trends are occurring across the country. In Colorado, 25 percent of the K-12 student population is minority. Of the minority students entering the ninth grade, 50 percent drop out before they graduate.

Now, we have had some increase in high school graduation rates for minorities, but the increase has not been significant enough to offset the population boom. We have had some increase, however—let me point that out. Sixty-five percent of blacks graduated from high school in 1975. That number went up to 76 percent by 1985.

Hispanics: 56 percent graduated from high school in 1975. The number went up to 63 percent by 1985. However, their level of proficiency in academic skill has declined. Look at the 1985 SAT scores. Of the blacks who took the SAT during their senior year in high school, 73 percent scored below 400 on verbal, and 64 percent scored below 400 on math. They couldn't get into college for the most part.

Hispanics: 59 percent scored below 400 on verbal and 45 percent below 400 on math. The black students did better, even though there is still a lot of room for improvement: 31 percent scored below 400 on verbal and 22 percent below 400 on math, but still better.

The dismal picture comes even more into play when you look at college participation rates. Now, remember what we talked about. We talked about leadership; we talked about opportunity. We're talking about a cohort of our population that is going to be one-third of our nation soon. Yet, we have a lower college attendance rate of blacks and Hispanics than we have ever had before.

From 1960 to 1980, the minority percentage of the college-age population was 15.5 percent. Based on the demographic projections, by the year 2000 the minority proportion of the college-age population will be 30.6 percent, and by the year 2025 it will be up to 40 percent of the college-age population. We're not saying attending college; we're saying college age, 18 to 24 year olds who are eligible to be attending college.

Black Americans: Of blacks who graduated from high school in 1976, 33.5 percent of them attended college. By 1985 black high school graduates were down to 26.1 percent attending college, a 7.4 percent decline. Yet, you see this population boom increasing.

Hispanics: 35.8 percent of the Hispanic high school graduates attended college in 1976. That number declined to 26.9 percent by 1985.

By 1986, 20 percent of whites over age 25 had completed 4 or more years of college. Only 10.9 percent of blacks and 8.9 percent of Hispanics had completed 4 or more years of college.

College enrollment rates for blacks and Hispanics continue to decline at alarming rates. In 1984–85, just to make the point even further, 80 percent of our undergraduate students in our 3,300 colleges and universities in this country were white, and they received 85 percent of the baccalaureate degrees. Nine percent were black. They received 6 percent of the baccalaureate degrees. Four percent were Hispanic, and they received 3 percent of the undergraduate degrees. All minority groups put together earned only 11.7 percent of the baccalaureate degrees in this nation in the year 1985.

Graduate-level participation is also dismal. Minorities earned 10.4 percent of the master's degrees in 1985, 9.5 percent of the doctorates; 9.8 percent of minorities went to professional schools and completed a professional degree. So you see the acute underrepresentation there.

So we are seeing some improvement in high school graduation rates, but concurrently we are seeing an increasing decline in college participation rates.

Let's look now at the underrepresentation of teachers and professors—again a very, very dismal picture. If you look at the State of Colorado, for example, as I mentioned earlier, 25 percent of the student population K–12 is minority, yet less than 6.6 percent of the teachers are minorities.

If you look at the professorships across this great country of ours, in 1973, 6.2 percent of the professors were minority. By 1985 that number had increased to 9.6 percent. But between 1973 and 1985, the minority population tripled in size in this country. Full professors—I found out as a full professor at the University of South Carolina that I'm part of a very, very small minority. Less than 1.5 percent of full professors are Hispanic in this country; less than 2.3 percent are black.

The concern is that this is happening across the country. We have an underrepresentation of blacks, Hispanics, and other minorities in leadership roles in the business community, but what I found even more appalling is the underrepresentation in our political system.

Let's look at the United States Congress. Did you realize that in the United States Senate we have 2 percent of the Senate that's minority? We have no Hispanic or black United States Senators. We have two Asian-Pacific Americans. That's it.

Governors: Four percent of the Governors are minority: the Governor of Florida, Hispanic, and the Governor of Hawaii, Asian-Pacific American.

The United States House of Representatives—we believe in a representative form of government—435 members: 22 black, 11 Hispanic, 6 Asian-Pacific Americans, 1 Native American, a grand total sum of 9 percent of the United States House of Representatives.

My concern is opportunity. You and I have had the opportunity. The increasing cohort of the Hispanic, black, and other minority population is not getting that opportunity. If that trend is allowed to continue, we are going to see a tremendous gap in the leadership of this country coming from the minority community, and what we in essence will have in this nation is the creation of an underclass. That is a threat to our democracy and to our form of government.

We have to challenge the community. We've got to deal with the issue in a very public and straightforward fashion by taking the initiative and assuming a leadership role both at the Federal Government, the State government, and with the business community.

Ladies and gentlemen, we cannot continue to operate under the premise that we live in a colorblind society. We've got to act on a problem of national significance and take action to increase opportunity and ensure that the minority cohort is properly challenged and properly prepared to become part of the leadership structure of our society in the future.

Thank you very much.

COMMISSIONER BUCKLEY. Thank you very much, Dr. Justiz.

Mr. Serrata.

Statement of Antonio Serrata, Chicano Studies Research Center, University of California, Los Angeles

MR. SERRATA. Thank you, Commissioner Buckley and other members of the Commission. It is indeed an honor for me to be here. Sitting here thinking in terms of 20 years ago, I was rereading some of the Commission reports from the late 1960s and early 1970s, and in a sense they were a reflection of my parents, thinking that my parents have a combined education of 9 years, and that in a sense I am a product of many of the policies and recommendations made by preceding commissions, those being primarily affirmative action programs and those sorts of recommendations and enactments by the Federal Government.

So I am here at a time, in a sense—and I will use the term "Latinos" instead of Hispanics, and perhaps in a question I can explain the difference—when we, as the professor here just mentioned, are increasingly becoming a larger and larger percentage of the U.S. population. I will look at that demographic change in a sort of different way, and I will compare the aging of the U.S. population in general, and particularly the aging of the Anglo population, and the youthfulness and the growing percentage of the population that is comprised of Latinos. They present seemingly different and disparate occurrences, but I see them as highly linked.

And not to go over all the numbers—Professor Justiz just went through them very eloquently and paints actually a picture that doesn't give room for much hope. On the other hand, I think that there is hope.

So if we look at the aging of the population, we know that except for the baby boom generation, which I happened to miss by one year—I was born in 1944; the baby boom generation was primarily a 1945 through 1965 occurrence—there has been nearly a century of decline in fertility in the U.S. population and also an increased longevity. We are living a longer time. Therefore, what we have is people living longer and more of us in a sense living together.

So the consequences of this aging population are what? Well, for one, as the elderly, primarily Anglo baby boomers are retiring over the next 20 or 30 years, in a sense we will be losing their economic contribution to the U.S. economy—a powerful contribution, if I might say. We will also have an increase in needs for income maintenance—social security and other programs. And we will certainly have a need for increased medical services and other programs of support for the elderly. Those, as we know, are very expensive programs.

So if by 2030 the U.S. population is approximately 22 percent those 65 and older, the order of magnitude based on our projections is such that 65 percent of the Federal budget would have to be spent on maintenance programs for the elderly. There is just no way that our Federal Government could ever sustain such an expenditure.

So what are the occurrences?

Well, for one, they will ask the States to bear some of the burden, and certainly the States cannot bear the burden, so they will ask the counties to share in that burden. So the maintenance of those retirees and those older folks will be shared throughout the system.

The intergenerational compact that we all know—and most of us that still have parents and have children know that there is a link, unspoken and perhaps unwritten, but there is a link between the way we care for our children and the way in the future we hope to care for our parents as they retire and as they get out of the active work place. So the intergenerational compact will be seriously strained.

Will, in fact, the young population be willing to invest in the elderly? And in a sense, will the elderly be interested in maintaining the educational status, the educational programs, the educational systems of the young? There will be powerful social policy issues to be looked at.

So if we look at the Latino population, it's doubling nearly every 10 years, and we all know the numbers. Again, contributing to that high fertility are youthfulness and high immigration rates. If we project again through 2030, in assuming that fertility will decline, which we think it will, and if we assume heroic proportions of the capabilities that Commissioner Ezell mentioned to somehow or other decrease the flow of immigrants to this country, in California by the year 2030 Latinos will increase from 5.6 million to 12.3 million people in the State—a large percentage of the State of California, from 20 percent to 38 percent of the State's population. Latinos will comprise that total.

The age structure of Latinos, again, will be quite young. We will average approximately 22 years of age, where Anglos will average approximately 34 years of age. If we take a look at Mexico, which is our primary sending country of immigrants, their average age in Mexico is 17 years old. Other Central American countries are even down to 16 years old. So our sending pool is quite a youthful one, so the youthfulness of our Latino population will continue in that vein.

By 2010 the stratification, the age and ethnic stratification, will be well under way. In California, we know that that is happening now, and some of you might have seen the article in the *Los Angeles Times* yesterday saying that minorities are now a majority in the State schools. Well, again in 20 or 30 years, the State population in general will have to say that and will have to make that claim. Latinos, blacks, Asians, and others will comprise the majority.

For example, of all the children by the year 2030, 50 percent will be Latino, 30 percent Anglo, 20 percent black and Asian. Of working-age adults, 40 percent will be Latinos, 40 percent Anglo, and 20 percent black and Asian. Of the elderly, 20 percent will be Latinos, 60 percent Anglo, and 20 percent black and Asian. So that that age stratification and that ethnic stratification is certainly very clear.

So what are the social policy issues here? It can be two sorts of example. For example, one, that commitment either to maternal or child health maintenance versus geriatrics—that's a difficult policy decision to make. Will the aging population be willing to keep its commitment to the youth through education funding programs, elementary, secondary, postsecondary? And as we have seen recently in several elections, bonds for building schools, etc., have all been defeated soundly.

Because of the age structure, many issues that might otherwise only be seen as age- or race-related issues certainly will have civil rights implications, and I certainly understand this is probably the reason for hearings such as this. Those are very powerful questions.

Again, as someone asked me at a conference just the other day, a young man asked me, "If this is a democracy, then the aging who vote in great numbers, as compared to the youth who vote in very low numbers, if they decide not to invest, that's their right."

As a Commission on Civil Rights, I think we have to in a sense think of this more as a social policy question and not to get to that level, because the decisions will be made, and it will be a powerful consequence for us as a country if in fact we make those wrong choices.

Also, the opportunity I see, instead of looking at the numbers as dismal for our future as minorities and in fact as a country, if we look at the problem of our underachievement, if we look at the problem as Commissioner Ezell does as an invasion of brown faces—"invasion" is a hostile term—if we look at it that way, we are going to do things such as "English-only" initiatives. We're going to pass what some consider to be a shot at immigrants, which is the Immigration Reform and Control Act. There are several punitive things in it.

There are other restrictive measures that are in place. For example, at-large elections. These are all issues that are being dealt with daily in the courts and many other places. If we look at it that way, I think the future is not one that we would like to be involved in.

But as I'd like to think, and as I'd like to urge the Commission to recommend, for example, if we see Latinos as a possible answer to many of the problems that will be created by this retiring aging Anglo population, our contribution to that labor pool, our contribution to the economic well-being through education, through other job training programs, etc., will result in such a way that we can fill that void. We can meet the needs of the aging as well as the needs of the young people in this country for education, and certainly for careers for those of us who have finished our education.

To give you an example in California, how that would act out, the contribution of Latinos to the economic well-being of the State: The State's total income, if we maintain the 1985 differential earnings between groups, will rise from $320 billion in 1985 to $804 billion by the year 2030. If we assume again a declining fertility and a lower rate of immigration to this country, and assuming that we have invested in the Latino minority communities and they in fact are producing at the levels that we require in this State, the State's total budget would rise to $1.37 trillion by the year 2030. This amount is $570.7 billion more than baseline projections. Earned income would rise to $898 billion, and the needs of the elderly would rise only to $153.6 billion. This would be more than offset by the increase in total earned income. So the tradeoff is not one, I think, that we can see as a loss to us.

The options to me and to the staff of the Chicano Studies Research Center are fairly clear. The balancing act between the needs of the elderly and the young can be offset by an equal investment in Latinos and other minorities in the State and throughout the country. A failure to invest in these communities could well result in our communities remaining split. The possibility of a Lebanon-type situation of disparate groups living in different places and not communicating is a possibility, and I don't believe that this Commission nor I would like to live in those kinds of environments, nor would we like to have our children live in those kinds of environments.

Thank you very much.

COMMISSIONER BUCKLEY. Thank you, Mr. Serrata.

Dr. Leonard, please.

Statement of Jonathan Leonard, School of Business, University of California, Berkeley

DR. LEONARD. Thanks for inviting me. I brought along some copies of my comments, and I believe they are actually on the floor to the left of Mrs. Buckley.

I would like to highlight for you some of the implications of the changes in demographics that were discussed this morning for our regulations and laws concerning employment discrimination.

I think one of the largest changes outlined this morning is the tremendous growth we can expect in the Hispanic and Asian population, each of which is projected to grow by the year 2000 by nearly half. That is a tremendous change that is going to erode the majority position of whites in this country, and in time you can expect that to have both political and economic repercussions when those raw numbers get organized into power.

Proceeding into the next century, blacks will become not only a minority but a minority of the minority population. The flip side of that coin is that I believe Hispanic concerns will increase. That brings a few new dimensions to our discussion of civil rights.

The first of these is an increase in concern with language issues and language rights. To give you an example, under Title VII of the Civil Rights Act, I think it will become a little bit harder to invalidate the business necessity of bilingualism or of Spanish-speaking workers when an increasing share of their coworkers, supervisors, and customers are Hispanic speaking. That is important when you realize that language proficiency is a major component of the observed earnings differentials between Hispanics and whites. It is also important when you realize that the use of English has historically been a great forge of commonality across diverse immigrant groups in this country.

The second major area that the growing share of Hispanics brings is more attention to issues concerning immigration. Obviously, we have a new immigration law, but there is something else to consider. As our labor force growth rate decreases, as it is projected to in the future, there will be increasing pressure to fill many of those jobs. That pressure will continue to lead some employers to try to fill those jobs with illegal immigrants.

Another we would be seeing is an aging of the work force. As the population ages, we will get lower labor force growth rates. We will have fewer new entrants to absorb, so for that reason alone we can expect a tendency towards lower unemployment.

In a tighter labor market, there will be greater pressure to utilize some labor groups that have previously been ignored. The wages of young relative to old are expected to increase as the relative numbers of young people decrease. And I think, importantly, as you get an older work force, you get a work force with more experience, and that means a work force with greater productivity and a work force with greater stability.

The BLS is projecting that the median age of the work force will rise to about 39 years old by the turn of the century. That has some important implications for regulation. Half the work force will be covered directly under the Age Discrimination Act. Employers are going to be more restricted in their room for adjustment with half their work forces on average covered under the Age Discrimination Act. The amount of attention drawn to issues of pension and health insurance funding and rights will increase. It also means, I believe, that as the demographic bulge moves through increasingly narrow corporate hierarchies, you're going to see more age discrimination cases.

At the same time, we could expect, after a generation of enforcement of the Civil Rights Act, that the seniority issues that have proved so divisive and that have been used to tar unions in the past—those should eventually fade as the average seniority of minority groups, certainly of women and blacks, approaches that of white males.

Under Title VII, private employers are required to report the race and gender composition of their work forces to the government for its use in monitoring compliance with antidiscrimination laws. No such reporting of the age of employees is required. While the U.S. Equal Employment Opportunity Commission [EEOC] does litigate some age discrimination claims that come to its attention through complaints, in contrast to its monitoring of the race and sex of employees, the EEOC does not routinely collect information on the age distribution of employees.

Concerning gender issues, the female share of the work force is projected to increase its growth. Relatively little of that past growth, I believe, is directly traceable to our affirmative action policies of the past. Some of the issues that the increasing female share of the work force raise we have already seen—unisex funding of pension and health insurance, and a lot of attention now to compensation schedules. Comparable worth is a policy that is designed not to break down the barriers of the female occupation ghetto but rather to gild the ghetto. I believe we have seen the limits of those policies in the past. We can also, I think, expect to see continued attention drawn to pregnancy rights, child care, maternity leave, and issues such as that.

Let me turn now to the shifts that we can see on the employer's side of the picture. There are three major shifts, I believe, that we can see. There is a continuing growth of the service sector, a decline in union jobs, and an increasing share of employment in small establishments.

Now, those might not have obvious implications for civil rights, but I believe they do have some important implications. It is more difficult to enforce antidiscrimination law at smaller establishments, and part of that is simply a statistical effect. It's much harder to prove any statistical hypothesis, including discrimination, when you have a smaller number of employees. As the proportion of the employment that is in small establishments increases, it will be more difficult to bring adverse impact types of cases. And I believe it is difficult to expect affirmative action to fill the gaps, since the numbers of small employers are just way beyond what the Office of Federal Contract Compliance Programs has ever had or could be expected to have the manpower or the money to enforce.

The decline of unions means that an alternative dispute resolution mechanism, and a decentralized one which has proven to have some success in the past, will be less available as an outlet.

The shift toward service sector jobs also means a shift towards relatively unstable jobs. The service sector tends to have higher turnover rates. That means you can expect, on the one hand, more disputes about discharges and, on the other hand, perhaps shorter duration jobs.

The educational issues are also quite important. During the past two decades, and probably even before that, the fastest growing employers in this country, even within particular industries, have been those with the greatest proportion of white-collar workers. It is the white-collar-intensive work forces in this country that have grown the fastest, and that is consistent with the Bureau of Labor Statistics' projections of the demand for skilled workers.

There will be increasing emphasis and increasing importance on access to education and access to training. Given the kinds of evidence we have heard about minority educational levels, that raises a specter of a mismatch between the skills that our economy needs to grow and the kinds of investments we are currently making in education and training.

On the growing internationalization of the U.S. economy, as a side note it's worth noting that foreign ownership of U.S. business is increasing. Those businesses are generally covered under Title VII, but it adds an additional dimension to the regulation because it adds a layer of international conflict. This country has signed certain treaties that limit the application of antidiscrimination laws to the very top layers of some multinational corporations.

A further change on the employment side of this is that we are beginning to see a fuzzing of the lines, a blurring of the lines, between employees and employers. That is coming along with the growth of subcontracting in the economy, and the growth of transient arm's-length relationships between employers and either subcontract labor forces, temporary work forces, or transient work forces.

There is an increased opportunity for some employers to discriminate, not directly by who they employ but indirectly by who they choose to subcontract with. The subcontracting decision—there are obviously increased opportunities to cloak that as a business decision, so it's a little bit more difficult to attack in the courts.

We can look forward to increasing suburbanization of employment as jobs disperse from the central city, but I believe the implications of that for minority unemployment have been grossly exaggerated. In Los Angeles, for example, there is no evidence that suburbanization of jobs can explain very much of the higher unemployment rates of minorities. The technological advances that we can see coming do raise, I believe, opportunities for a number of handicapped groups, and that is probably the most important good news in all this.

Finally, on the employer demand side, we have had on the State level growth of employment-at-will doctrines that have independently led to the formalization and rationalization of a lot of personnel systems, and that offers another level of protection for people who otherwise depend only on the Federal policy.

Let me just briefly review some of the major changes in Federal policy as I see them in recent years. I'll talk just about the EEOC and affirmative action.

The EEOC has avoided exercising its right to bring pattern and practice cases under Title VII. Its rapid charge-processing system has, I believe, degenerated into a system that is equivalent to parking tickets for employment discrimination, although it certainly has reduced the backlog of charges.

Affirmative action as a policy—I think if we look at the history in this area, what we see is that as a policy it can be made to work; it can also be made to fail. During the 1970s, it was quite successful, and it was successful without the use of quotas. It was successful without targeting reviews more at firms that had the least proportion of minorities and females. I always think it's remarkable that during that period you can find a number of large employers with no minorities, no females, and no compliance reviews by the OFCCP.

I also think it's remarkable that during those years, if you look at the question of whether the system of goals and timetables were quotas, what you see is that firms that were promising to increase, for example, white female share from 25 percent to about 26 percent, in fact made no changes. They ended up where they started. I don't believe that anybody can look at those numbers and call that a quota system.

The affirmative action program throughout its history depended on the government taking relatively symbolic actions to increase the threat of enforcement. I believe in the last 8 years the government has been unwilling to take those actions. It has also reduced the use of sanctions. There are far fewer backpay awards, far fewer debarments than there were before 1980. The consequence, if you look at the success of affirmative action after 1980, I think it's fair to say that in effect there has been no affirmative action through the contract compliance program since 1980. I say that because, if you look at the employment growth rates of minorities and females at Federal contractors, compared to the growth rates at noncontractors, you don't see a difference. There is no observable impact of affirmative action after 1980.

Let me just end by saying that the pure redistribution programs are always the most divisive. The programs that perhaps we can expect to see the greatest policy changes on in the future are those that offer more widely shared rewards, including education and training programs, and programs that embrace widely shared ideals, and I believe antidiscrimination is a widely shared ideal in this country.

Thank you.

COMMISSIONER BUCKLEY. Thank you.

Would you pass the microphone over, and Dr. Cain, would you please proceed.

Statement of Bruce Cain, Division of Humanities and Social Sciences, California Institute of Technology

DR. CAIN. Thank you.

I am a political scientist, and I have been charged with the task of talking about the political implications of immigration and changing demographics, which I will do.

The image most people have of the impact of this changing demographic scene is that it will result in enormous political change, if not in the country, certainly in States like California and Texas where there has been a fair amount of in-State migration. The reality of that is that such political change will be much delayed and perhaps never realized because of some factors I'm going to talk about. While it is projected that in the year 2010 the population in California will be less than 50 percent white, I would say that by the year 2010, even if those figures come true, it is quite likely that the electorate will still be white, and I'll talk about why that is true.

My second point will be that as a result of this gap between the demography and the political power, there is enormous frustration with the system, and those frustrations are going to crop up continually at the local government level. Certainly, a lot of that will be resolved by the courts, will be in the hands of the Justice Department and the Supreme Court. But I am going to suggest that there are some other things that might be undertaken by local towns and counties to deal with the situation in a more creative and perhaps less litigious manner.

First, why this gap between the demography and the political power? Well, the fact is that most immigrant groups, most minority groups, suffer from the triple whammy of a large percentage of noncitizens, a very young age distribution, and low socioeconomic status.

In terms of noncitizenship, the Irish who came over in the 1840s could vote and participate in the electoral system almost immediately. They were taken off the boats and enlisted in the machines in the inner city. In subsequent years, we have increased the stringency of our registration laws. The naturalization process has lengthened considerably. So it turns out that the political gestation period is just much longer. It takes much longer as compared to that first wave of immigrants in the 1840s for an individual to go from noncitizen status to citizen status to participating citizen status. So any look at the population and the likely political power of that population has to adjust for noncitizens. When you do that, you suddenly see that its potential power drops enormously.

Secondly, age. It was mentioned earlier that Latinos in particular are a very young population. Their average age is about 22. That means you have a lot of people who are under the age of 18 who cannot vote, many of them in the schools, etc. So populations with that kind of age distribution are going to be disproportionately represented in the electorate.

Thirdly, low socioeconomic status. Insofar as there are any iron laws in political science—and I said insofar as there are any—the one that crops up in every country, in every context, is that groups who have lower education, in particular, but also lower income, are going to be less participatory, unless there are other kinds of supporting mechanisms—strong party structures, get-out-the-vote campaigns, etc.—to bring them to the polls. It is the middle class that consumes politics, that enjoys politics, that will do it without much prompting. In every society it is the lower educated, lower income individuals that have to be assisted to participate in the political process.

On that scale, that international scale, the United States is further in the direction of putting the initiative on the individual as compared to other countries where the state takes the initiative to get people involved in the political process, either by compelling them to vote or making sure that they are registered. And that is a more onerous system for low socioeconomic individuals.

Now, I should say not only is the kind of education and income a problem, but in the case of the Asian Americans, we have something that I don't think is very well understood, which is very low participation from a group that in every other indicator ought to be participating very highly. I don't have time to go into it. There are a variety of theories as to why that may be true, and it may be cultural. It may have to do with organization. It may be linguistic, time to get used to the communications. But that is an additional problem that we don't very well understand, but it does inhibit Asian American participation.

So we have the gap, and the gap shows up over and over again. You look at California, and you see that 19 percent, probably by now 23 to 25 percent, of the population is Hispanic. But if you look at the electorate, it's more like 12 to 14 percent when you take into account those who are eligible to vote, those who are registered to vote, and those who actually vote. The triple whammy hits in, and the participation rates are lower.

I was the State redistricting consultant in 1980 for the assembly. I was a city redistricting consultant last year when we settled the lawsuit with the Justice Department, and I have gone tract by tract, block by block, trying to design districts to match Federal requirements. You discover that in certain areas of the city of Los Angeles, you can build a district that looks like it is a fair opportunity, a fair break, for the Asian or the Latino population, but when you actually look at the number of voters that are in that seat, you see that it's appallingly low.

Richard Alatorre's seat, the 14th city council seat, was 75 percent Latino, and yet only 50 percent of the electorate was Latino, and that was after many, many years of voter registration as a result of a recall fight. When we built the Gloria Molina seat in response to a suit by the Federal Government, we could get it up to 60 to 65 percent Latino, but if you centered it in downtown Pico Union area, where the immigrants tend to live, you could have less than 25 percent of that seat being registered to vote. So the gap appears over and over again.

One last thing. In a study we did with the *Los Angeles Times* a year or so ago, we discovered that, despite fairly equal population increases in the white side of Los Angeles city and the nonwhite section of Los Angeles city, the participation of the electorate was such that it was about a 60–40 split; that is, that the white areas of the city constituted 60 percent of the electorate, even though they constituted 49 percent of the population, and that that trend was being exacerbated because the kind of immigration you were getting among the nonwhite was largely this individual that has to get naturalized and move through the political gestation process. The white immigration into the State is affluent middle-class professionals moving into the San Fernando Valley of the west side, and they are going to get into the system much faster.

Two things I will mention very briefly are additional problems for minorities. We don't have time to go into it. But in addition to the gap is the fact that there is an enormous heterogeneity of interest in minority groups. You can't see them as an automatic coalition. Even the Asians are not an automatic coalition. There are tremendous differences between the different Asian groups and their political attitudes.

Asians as compared to Latinos and blacks: Asians went for Reagan in 1984 in this State. They were registering equally between Republican and Democratic Party in a State that is about 51–37.

Blacks and Hispanics: On many issues blacks and Hispanics are very close, but on the issue of Simpson-Mazzoli—and I picked that up from a comment that somebody made earlier—on the issue of Simpson-Mazzoli, there were disagreements between the black community and the Hispanic community, whether they were justified or not.

So there is a heterogeneity of interest. So even if you get people participating, the white fear that somehow this is going to be one cogent interest that is always going to combine, really, I don't think will ever materialize. The Republican fear that they will all become Democrats also will not materialize. So if I were a Republican consultant, I would say, "Look, it's not a bad idea to actually increase the quota from Asia. You will probably get a Republican realignment a lot faster if you do that than if you wait for the conversion of southern whites"—at least if the polls are to be believed.

One last thing I want to say, and that is that the whole context of American politics has changed since the 1840s in ways that don't make it easier for nonmiddle-class people to participate. The party structure is weaker. Parties help to mobilize voters. They are not there now, but they served that purpose in the 1840s.

The role of money: Money now is much more important in American politics than it was in the earlier period, and poor, lower socioeconomic disadvantaged communities don't have that money.

The campaign finance laws: When we undertake reform, our ideal is that everybody gives $250, but that's easier to do if you're in the San Fernando Valley or if you're in Pasadena than if you are a poor person in the Pico Union area, etc.

So all of this contributes to increasing frustration with the system, and I could go on, but I won't. We have had challenges in the State to the city of Los Angeles' redistricting lines. We have had a suit in Watsonville, Pomona. There are suits pending in San Diego and Los Angeles County.

Now, certainly one route is the route of litigation, and I happen to believe in the Voting Rights Act, and I happen to like the enforcement of the Voting Rights Act. But in general, I'd like to see the political system do something as well. That is to say, I wish it weren't all resolved by the courts. A lot of political scientists—well, not a lot, but a significant number of us are beginning to try to get local towns and counties to think about other ways of doing business, other than at-large elections or even single-member simple plurality. As a gerrymanderer, I can tell you that, yes, we can change the lines to accommodate the interests of various groups, but it tends to produce a backlash from others because the lines are ugly, and it is very obvious what you're doing.

What we might think about doing is looking at some mechanisms called semiproportional systems, limited-vote, cumulative-vote systems, the thrust of which, the basic principle of which, is that they deny the ability of the majority to control every seat.

In a single-member system, you could theoretically have 435 seats, all of them splitting 51–49, so that somebody could get 49 percent of the vote and zero seats. It's not a mechanism that is designed to give you any kind of proportional representation. Proportional representation, such as they use in Europe, is usually compatible with a very strong party system, and I don't think most Americans have the stomach for it—too bad, but they don't. Semiproportional systems don't require that. I don't have time to tell it in great detail, but it's something, if I were your commission, I would encourage people to think about a little bit more.

Finally, I think more thought should be given to registration and making registration easier for minority groups of various kinds.

Thank you.

Discussion

COMMISSIONER BUCKLEY. Thank you very much.

We will now go into our question-and-answer portion of this panel. We don't have a lot of time. Again, you have given us a lot of things to think about.

We'll start with Commissioner Destro and note that we have some time constraints. We want to break for lunch so these people can also have some rest.

COMMISSIONER DESTRO. The real issue that lies underneath all of this, for us at least, is how this is going to have a major impact on either how civil rights policy is envisioned—and I found Professor Cain's comments with respect to different ways of envisioning voting as very useful and intriguing. With respect to other types of enforcement policies, I'm sure everyone else would have other comments.

But the thing that concerns me the most, and which is going to be, I think, part of the focus of our forum when we meet in Washington in the spring, is how these other policies, other policies like educational policies, policies like how one deals with the needs of the elderly—whether or not those are going to be dealt with under the rubric of discrimination, under the rubric of civil rights laws, or are they going to be dealt with as meeting an educational need, meeting a geriatric need, which will then filter down through the population.

Even to Dr. Leonard's point, which I know is hotly disputed with respect to the EEOC, the EEOC argues very strongly that they have got a very good record in the last few years. But my question goes more to the question of how are pattern and practice losses going to help you if you have an ill-educated work force. No amount of affirmative action is going to help someone who can't read.

So the question, at least for me, is: Where do these policies intersect? How do you parse out the education parts? How do you parse out the geriatric parts? How do you speak in terms of—as Mr. Serrata said, how do you get people to stop thinking in majority-versus-minority terms and speak in terms of what you should do, and speak more in terms of what do we need to do to have a result? Because you can certainly see that disproportionate impact with respect to discrimination—you know, it filters down through, and you have a disproportionate impact. If you start focusing on educational needs, you will also have a disproportionate impact, but it will be a positive one because the greatest needs are in the minority populations.

And I'll just turn to any member of the panel who would like to talk about that relationship, and since it's going to fall to me and the other members of the subcommittee to conceptualize that last forum, how do you split out or how do you start to conceptualize this notion of where the relationship between civil rights and other policies are? It's not a clear question, but we don't have the idea thought out very well, and you could very much help us with that.

CHAIRMAN ALLEN. That question is for any member of the panel. And let me say while you're deciding whom to address it, we should have said we're going to have to limit each Commissioner to one question with no followup.

MR. SERRATA. I'd just like to contribute a little bit to that. At UCLA we have a Committee on Diversity, as it's known. We're looking specifically at the curriculum. Much was said here, for example, on I believe the stereotype, if you will, that Asians are all succeeding throughout the system, that they are doing well at all facets of life. Yet, articles have come out, not only in the *Los Angeles Times* but in academic journals that, in fact, Asians do not rise to all levels of decisionmaking.

They are good workers and they are all successful and they achieve highly in everything, but in fact they do not rise—and again, it has a lot to do with stereotypes, of how we stereotype ourselves.

At UCLA in particular, what we are arguing is that there is no contradiction between affirmative action and excellence. The concept that has been argued in the past, at least to the last meetings of a couple of months ago, is: How are we going to achieve affirmative action and excellence at the same time? And we are arguing that there is no dividing those issues. We are achievers, and we have these skills that the university needs for excellence.

UCLA, in particular, has absolutely no choice because Los Angeles, that's what it is, and will be a larger and larger percentage of minority people, minority groups. The Asians have a powerful struggle against the University of California, and their battle is not an affirmative action battle. Their battle is power. They are overachieving against whites, and that's the issue.

So in response to your question, it's an attitude, an attitude change, that there is no contradiction between excellence and affirmative action for underrepresented groups.

That's how I would begin the discussion, and I think it translates from the aged to the young, that the tradeoff is of mutual benefit to all of us. I know it's hard to believe that we're going to change our attitudes, but in some cases we have no choice. In this case of the University of California, I think they feel that they have no choice.

Chairman Allen. Commissioner Chan, any question?

Commissioner Chan. No, but I guess Dr. Destro has already expressed what I have in mind. But I believe if you ask some of the people, they have a different vision of affirmative action and the excellency. I think you are referring to the faculties and the students both, aren't you?

Mr. Serrata. I'm referring to all components—staff, top administration.

Commissioner Chan. Yes, all components. What I'm trying to say is there is always two sides to a coin, and I have no comment so far.

Chairman Allen. Director Prado.

Ms. Prado. Dr. Justiz, on your statistics, do the higher education statistics include vocational training schools, or what role do they play in the statistics you were talking about?

Dr. Justiz. The statistics included primarily the students in the transfer program going onto the baccalaureate degree, to achieve a bachelor's degree.

MS. PRADO. I guess my question is: Then your statistics don't reflect the role of specialized schools, like computer training schools or skills schools, in terms of a high school graduate that does not go to college but instead goes into a vocational program?

MR. SERRATA. That's right. But what we find is the majority of minority students in fact are going to the military. The military has been very, very successful in

CHAIRMAN ALLEN. Vice Chairman Friedman.

VICE CHAIRMAN FRIEDMAN. Let's see if I can tie a couple of you together with this question. Since so many of the issues that we are grappling with now transcend discrimination in its traditional and well-accepted form, I'm just wondering what ways of public policies, that we as a Civil Rights Commission might endorse or try to stimulate, can be harnessed in two areas particularly: for Ivan Light, who seems to be stressing very heavily the concept of organizational behavior on the part of individual groups and the ways in which they organize themselves. I think another way of putting it is the cultural systems of groups and the way these systems lead to success in our society. So I'd like Ivan to tackle that one, but most particularly in terms of the public policy implications there.

And then Jonathan Leonard on the issue of, say, William Wilson's concept of jobs going overseas, the dislocations created by past discrimination, etc.—what are the public policy implications of these kinds of issues?

CHAIRMAN ALLEN. First Dr. Light.

DR. LIGHT. As far as public policy implications are concerned, I tried to tell you what I thought they were, namely, that it is possible to redirect people into legitimate entrepreneurship, particularly from crime, with a lot of benefit to society.

But speaking to the issue of cultural systems of groups, what can public policy be toward this? There is evidence that cultural systems of groups do include entrepreneurship. But insofar as that's the only thing we're dealing with, that's really outside the sphere of public policy.

However, one could say that that's not all there is to it. There's a portion of it which may be idiosyncratic, and a portion of it which is not idiosyncratic to a particular group. It's the latter portion, the portion which is not idiosyncratic, which public policy could tackle.

So, for example, if we switched to basketball and we look at people who are successful in basketball, we find that it helps to be 7 feet tall. Now, public policy can't do anything about the fact that you're only 5 feet tall. If you're only 5 feet tall, that's a problem.

But there's more to it than that, of course. There also is a certain amount of time spent dribbling and practicing and so forth, and that's something the public policy can do. So if we studied basketball high achievers and how they succeed, we'd want to distinguish that which is, so to speak, idiosyncratic about them, their being 7 feet tall, and that which we can take over as part of public policy, namely, that they practice a lot; they like basketball; they throw a lot of baskets.

Similarly with entrepreneurs. If we study the Koreans, as I have done—and they are very super-successful as immigrant entrepreneurs and we want to know what can we do with this—well, we can't make everyone into a Korean. This we cannot do.

But there are some things the Koreans do that we can learn from, and I'll give you a very simple example. Their newspapers contain a lot of information about how to run a business—just in the newspaper. You open the newspaper and it says, "Here is this kind of a business, and this is how you get into it, and this is where it's located, and this is how much you should pay for it, and this is the kind of thing you should stress in this neighborhood"—a very simple little thing like that. To read that, you must be able to read Korean, so a non-Korean cannot read it.

But there is in principle nothing about this that couldn't be taken over and become a part of public policy, and there are a number of other aspects of the entrepreneurship game which are similar in character.

CHAIRMAN ALLEN. Thank you.

Dr. Leonard.

DR. LEONARD. I'll try to answer your question and Commissioner Destro's at the same time. It seems to me there are certainly things like education that are very important in determining the employment success of minorities and whites. But I think it is still important to have a civil rights policy that focuses on equal access and equal opportunity to those educational opportunities. That's where I would draw the dividing line.

As for the job dislocation issue, fortunately, we are blessed with quite a flexible work force. The kinds of policies that could help people in that area are better information about where jobs are growing. The civil rights component might be greater stress on the education and training aspects of affirmative action.

The way we have succeeded and the way we probably will succeed in world business competition is in high-value-added industries, and that is going to take increasing investment in education and increasing investment in research and development. I don't see those particularly as civil rights issues unless different groups don't have equal access to those policies. That's the civil rights issue to me.

CHAIRMAN ALLEN. Thank you.

Commissioner Buckley.

COMMISSIONER BUCKLEY. Not at this time.

CHAIRMAN ALLEN. No questions, and the last will come to me, which will come in the form primarily of an observation simply because I think these matters need to be entered on the record.

I believe it is correct to say that the EEOC does monitor age discrimination. We at least had a report to that effect as long ago as 1 year, and recognition of the increasing occurrence of complaints about sexual harassment and age discrimination. And, indeed, I think they closed a major litigation within the past month in Michigan on age discrimination grounds.

Similarly, I would like to point out with respect to pattern and practice or class actions that they have achieved records in that area that exceed anything previously attained. Just in the last year, 50 percent of their cases were of that variety, with rewards exceeding anything ever before attained through such actions.

I would also note that the Asian report, for the record, does indeed control for regional differences in dealing with the statistics. I have been through the report quite carefully, and while it may not satisfy everyone's particular concern, it certainly does scrupulously make explicit exception of the kinds of things that were discussed earlier.

I have one question, which should take a relatively short answer. I suppose it would go to Mr. Cain, although anyone might want to answer it. It's a question, however, that involves what everyone has talked about, namely, the so-called majority of minorities in America's future. We all like slogans in America, and we catch a phrase that has a turn to it, and we like to repeat it. We're not always sure of the substance, though.

What my question went to was precisely the question of what that might mean, or whether in fact it would be more realistic for us to think that what we have known in the past we'll continue to know in the future.

Let me just give the example of what I'm talking about to see whether we need to reconsider the notion of a majority of minorities. It could look quite white on one ground, on one basis of assumptions. If one takes some of the assimilation studies regarding Hispanic Americans or Latinos that are being done in Chicago and at Rand, or things that we all know that are reflected in works like Richard Rodriguez and others, we could say there is a substantial portion of the Hispanic, Mexican American, and other population which looks quite white after a certain amount of time. And looking at the numbers, and looking at the residue of white Americans, which even all the most dramatic projections still show to amount to much more than a majority, what is there to make anyone think that there won't still be a majority of white Americans at the end of this long chain of predictions?

DR. CAIN. Well, if you mean by "white," middle class in values and assimilated in that sense—

CHAIRMAN ALLEN. Assimilated.

DR. CAIN. —I think that's right; I think that's correct. But there's another school of thought in political science that really what we have is a pluralist society; that is, we have a lot of different groups, a lot of different interests that come together for coalitions.

It may be, just as what we said the minorities are—there are many different groups in the minorities, and there is no one single coherent interest—we might say the same thing about the white population, that is to say, that they are divided themselves between women and men and conservatives and liberals and affluent and poor.

So, yes, from that perspective there will be more of the same, more of a coalition of various groups.

CHAIRMAN ALLEN. Thank you. I'm even going to deny myself the opportunity for a followup, just to show that the rules I impose I'm also willing to abide by.

VICE CHAIRMAN FRIEDMAN. Good for you.

CHAIRMAN ALLEN. We will at this point break for lunch. I will only make an announcement that we will start at 1:35 rather than 1:30. I'm going to give an additional 5 minutes, but no more, for that lunch period.

For those of you in the public who are present here, I want to point there will be an open session, a public session, this afternoon, between the hours of 5 and 7, so you will have the opportunity, and you may want to sign up with staff at the rear of the auditorium here, if you particularly want to speak to the Commission during that period of time. Your time will be limited to 5 minutes for each person.

Is there anything else, Commissioners and staff, that we need to do before we leave?

Then we shall recess the meeting until 1:35.

[Recess.]

Afternoon Session

Changing Demographics: The Perspective of Civil Rights Organizations

CHAIRMAN ALLEN. Let me ask the panelists to take their places. Reading from my right, Betsy Rosenthal, Bruce Ramer, John Kromkowski, Yolanda Eubanks, Irvin Lai, Joyce Leanse, Harold Webb, Antonia Hernandez. We are going to begin now, and the afternoon panel is in the hands of Vice Chairman Friedman. Murray.

VICE CHAIRMAN FRIEDMAN. Good afternoon, ladies and gentlemen. We are at this stage of our discussions and deliberations, and I would like to ask you each, regardless of what you have been asked previously—

CHAIRMAN ALLEN. May I interrupt you for just a moment, Murray. I want to make certain that those present in the audience know that we have an interpreter for the hearing impaired. If they would signal, anyone requiring that service, it would permit our interpreter to know how vigorously to pursue his craft this afternoon. Thank you.

VICE CHAIRMAN FRIEDMAN. I wanted to urge you, regardless of what you may or may not have been asked before, to see if you can confine yourself to 10 minutes in your remarks. I would urge you, if possible, to summarize what may be in your papers, whether we have received your papers or not.

We have been so barraged by such a large torrent of information that there is a certain inability to grapple with the totality of the facts you're tossing at us. So if I may, I'd like to ask you to speak more broadly than perhaps your paper itself does.

Okay, we can go from right to left or from right to left. Let's start this way.

Statement of Betsy Rosenthal, Western States Civil Rights Coordinator, Anti-Defamation League of B'Nai Brith, Los Angeles

MS. ROSENTHAL. Good afternoon, Commissioners. My name is Betsy Rosenthal, and I'm the Western States civil rights director for the Anti-Defamation League of B'nai Brith.

Just yesterday, on the front page of the *Los Angeles Times*, it was reported that for the first time in California's history there were more minority students enrolled in California's public schools than Anglo students. Certainly, this is an indication of the dramatic shift in demographics in California.

Unfortunately, we can't assume that just because you throw together a bunch of diverse students from various racial, religious, and ethnic backgrounds that they will all get along and there will be perfect harmony. It's the increase in tension which often comes about as a result of this increase in diversity in our society with which the Anti-Defamation League is very concerned. Just for some background, the ADL was founded in 1913 to promote good will and mutual understanding among people of various creeds, races, and ethnicities, and also to combat prejudice and bigotry.

One of the ways in which we have gone about doing this, and something that perhaps makes the Anti-Defamation League unique among organizations in the private sector, is our monitoring and counteracting of extremists. Probably the most extreme example of intolerance for this increasing diversity in our country comes from the far right wing fringe, and the various individuals and groups in this fringe are groups which the ADL vigilantly monitors, the groups which would deprive ethnic, religious, and racial minorities of their rights and would try to basically undermine our democratic society. So these are groups that the ADL is very concerned with.

To cite probably the most radical example, the Order was a band of far right extremists, a violent group who went on a crime spree. Their goal was to rid the country of blacks, other minorities, and Jews and others that they considered undesirable, and to establish an Aryan white homeland in the Pacific Northwest in this country. Unfortunately, by the time they were apprehended, they had already committed murders, armored car robberies, bombings, and the arson of a synagogue. Currently, most of the members of this violent band are serving lengthy prison sentences for Federal racketeering.

The Anti-Defamation League released a report in 1987 on the hate movement today, and in that report we show that actually the increase in violence among the far right extremists over the past several years is probably due to the decline, in terms of both influence and numbers, of right wing extremists and leaders in the hate movement. What we are left with is a desperate group. It has left the leaders unorganized and searching for ways to rebuild their movements.

Unfortunately, though, there may be a strategy developing right now for the rebuilding of their movements, which has taken little effort on the part of the hate group leaders themselves, and that is groups of shaved-head young people sporting Nazi insignia—these are the Skinheads. For those who aren't familiar with the movement itself, it is comprised primarily of young people, ages 13 and 14. They're in the high schools. They are easily identifiable by their appearance. They shave their heads, which they claim to shave for battle. They wear black garb usually, combat boots or what are called Doc Martin boots. They have an attraction to a particular form of rock music, hard-driving rock called "white power" music.

They advocate violence against minorities and have committed violent acts throughout the country in nearly every city in which they have maintained a presence.

In order to shed a little light on their role here in American society, let me just give a brief overview of their origination. They started in the early 1970s on the streets of England. They wore combat boots and oftentimes swastika tattoos and other various tattoos. They provoked minorities on the street and got involved in street battles. One of their favorite pastimes was called Paki-bashing. They used to stomp on Pakistanis and other Asians, who comprise large minority immigrant groups in England, with their combat boots. They characterized themselves as tough, patriotic, anti-immigrant, and working-class young people. The neo-Nazi organizations in England quickly found that the Skinheads were recruitable and became successful in enrolling them in their organizations.

The American ideology of the Skinheads is similar to that of the British variety. For the most part, they are xenophobic. They have an affinity for Nazism. They don't like minorities and immigrants, and they are attracted to the music, as I mentioned earlier. They are engaged in violent activities.

Let me just show you. I brought some samples of their literature that they distribute so you can see. These are the types of things that they put out.

How widespread are they? Last November the Anti-Defamation League produced a report which showed there were several hundred of them and that they were growing in numbers. But as a result of the media exposure this report got, we received a lot of feedback comprised of additional data, which indicated that their numbers were actually much larger and that there were between 20 and 25 groups of Skinheads nationwide in 12 cities throughout the country, that in total they comprised a membership of between 1,000 and 1,500 people, and that they continue to have a propensity for violence.

Then the question becomes, of course: Why do young people want to join the Skinhead movement? One can speculate that perhaps they are banding together as a way of venting their frustration on a society in which they feel increasingly alienated. They resent the new kid on the block who perhaps doesn't speak English, who is unlike them. Rather than take responsibility for their own circumstances, they look for scapegoats, and the scapegoats are readily available in their neighborhoods and their schools.

But perhaps one of the main factors causing young people to join the Skinheads is the fact that they are exploited and encouraged by the older and more organized hate group leaders. They are being recruited because they are young and they are vulnerable. In fact, the changing demographics in this society has been a tool that has been wielded by the hate group leaders to frighten these young white kids into joining their movement. They threaten them with the extinction of the white race, thereby trying to attract them. And the outreach has proved successful. We find more and more Skinheads involved in neo-Nazi rallies and Ku Klux Klan rallies and attending various meetings of theirs.

One of the prime recruiters of the Skinheads has been Tom Metzger, whose name might be familiar to you as the former Grand Dragon of the Ku Klux Klan in California. He currently heads up an organization called the White Aryan Resistance. He uses these Skinheads as what he terms "foot solders." He sends them out to do his dirty work, to have them put up stickers and posters like these [indicating].

It is too early to tell whether the Skinheads will continue to grow or will fade, but nonetheless it is very important for community leaders to educate themselves about the Skinheads, familiarize themselves with what they are all about, and of course for law enforcement to investigate and vigorously prosecute those Skinheads who have been involved in criminal activity.

Let me just quickly tell you about a couple of other efforts on the part of the ADL because, aside from the exposure of Skinheads and educating the community about them, we have been focusing quite a bit of effort in the schools. In eight cities so far throughout the country, the Anti-Defamation League has undertaken a media and school-based project called "A World of Difference." I have some materials here about it. It's designed to reduce community racial, religious, and ethnic friction. It has a number of components to it. We are currently developing localized teacher training and study guide materials.

It's coming to the southern California region. This is the newest region to get the "A World of Difference" project. KCBS has already committed itself to $3 million worth of on-air programming. The *Los Angeles Times* will be producing a 32-page supplement on "A World of Difference."

Since "A World of Difference" is a year-long project, of course, our work must continue. That's only the beginning. And for this reason the ADL has pushed for the passage of legislation here in California which would implement a pilot project for prejudice reduction education in the schools. It's Assembly Bill 3504, and it is currently awaiting the Governor's signature. We hope he will sign it. This pilot course is to be developed by a number of community and civil rights organizations such as the ADL and including MALDEF and the NAACP.

The pilot course will be tested in three school districts throughout California. So hopefully, that will be signed by the Governor.

In conclusion, let me just say that programs such as "A World of Difference" and prejudice reduction education in the schools will hopefully help ease the transition of Americans into this increasingly diverse society and will also hopefully help ensure that hatemongers, such as the neo-Nazi Skinheads, will not find America a hospitable place for the dissemination of their ideas.

Thank you.

VICE CHAIRMAN FRIEDMAN. Thank you, Ms. Rosenthal.

Our next panelist is Bruce Ramer, who is the chairman of the Commission on National Affairs of the American Jewish Committee.

Statement of Bruce Ramer, Chairman, Commission on National Affairs, American Jewish Committee, Los Angeles

MR. RAMER. Thank you, Commissioner. I will do my best by omitting every other sentence from the paper in order to meet the constraints of time which you have imposed, and I will try to take notice of Commissioner Allen's 2-minute warning.

I am delighted to be here on behalf of the American Jewish Committee, and we're pleased to have the opportunity to participate in this forum. I will assume, for time, knowledge of the American Jewish Committee by the Commission and the Commissioners. It is the oldest of America's human relations organizations, being founded in 1906, from which time it has vigorously fought prejudice and bigotry.

We feel that it is very significant and important for the Commission to look toward new issues being raised by the changing demographic patterns. AJC approaches this concern from the perspective of some 20 years of research and practice in ethnic pluralism carried out through our Institute for American Pluralism.

We have found that ethnic groups, including white ethnics as well as black, Hispanic, and Asian Americans, continue to hold onto their sense of group identity generations after they have adapted to American society and moved into the mainstream.

Two concepts must be clearly understood and advanced in order to promote increased tolerance in our society. One is that the adjustment of newcomers into American life should be viewed as an acculturation process rather than as a process of assimilation.

The second is that the United States is a pluralistic society, with each participating ethnic group continuing to reflect its own patterns of group identity and interests in the context of a broader set of civic values. Therefore, one of the challenges to healthy intergroup relations and to protecting the rights of all Americans is to dispel the notion that group identity is unhealthy and will inevitably lead to conflict. It's not so.

Let me note as briefly as I can a number of our concerns in the area of the impact of changing demographics on civil rights.

On immigration, a study which we recently undertook at AJC has taught us that the major flow of newcomers into the United States will create challenges requiring public policy responses, that the country is capable of meeting them, and that the Nation will reap many benefits in the process.

It is important to note that the character of immigration has changed with the elimination of national origin quotas. Now only slightly over 10 percent of immigrants comes from Europe, more than 80 percent comes from Asia and Latin America, and a small but rising proportion originates from Africa. The influence of this kind of change in immigration is highly visible here in Los Angeles, which has lately been described as the Ellis Island of the West.

Now, several specific civil rights challenges which we urge the Commission to monitor arise in the context of immigration. The first relates to discrimination in employment. As part of the Immigration Reform and Control Act enacted by Congress last year, employer sanctions were established to try to prevent employers from hiring undocumented aliens. We at AJC took no position on the issue of sanctions, but throughout the legislative debate we stressed our concerns about the need to protect against discrimination that might result from the imposition of employer sanctions.

To address problems of employment discrimination that will likely and indeed already have arisen from such sanctions, a special Office of the Special Counsel was established in the Department. We believe that for this office to function effectively, it needs to be publicized, its mission clearly understood, and importantly, its performance carefully monitored. We think the Civil Rights Commission could play a very useful role in assuring that the legislative intent, implicit in antidiscrimination provisions of the immigration reform legislation, be carried out.

A second specific civil rights concern relates to the implementation of the legalization program under the Immigration Reform and Control Act. We are concerned about the enforcement of the law. The INS has a responsibility and a prerogative to do what it can to identify undocumented aliens, but how they do this, the manner in which they carry it out, is of great significance. Wholesale sweeps and detentions that have been employed in the past have sometimes abrogated these protections. We think those persons who are especially vulnerable to that kind of discrimination need to be protected.

On language policy, a major challenge to healthy intergroup relations that particularly affects new Americans is the growth of the "English-only" movement, which seeks to have English established as the official language through constitutional amendments and State initiatives. While it may appear innocuous on the surface, it does exacerbate intergroup tensions and anti-immigrant sentiments.

In response to that movement, the American Jewish Committee and a number of other concerned groups are advocating a positive, proactive language policy, which includes support for bilingual programs for students who need them to maintain their educational level while they learn English. We support, as well, English-proficiency programs for adults and enhanced competency for Americans in foreign languages. Language policy also has a very significant implication in the adequate delivery of social services, particularly for immigrants and refugees.

We believe that the Civil Rights Commission could do much to put language policy into the proper perspective for the public. Confusion abounds about bilingual education, its successes and failures. The Commission might consider undertaking research and public education efforts geared toward the following areas of concern: one, the extent to which bilingual education mandates established by the Supreme Court have been implemented; two, the educational attainments of students in bilingual programs; and three, model bilingual programs. We also suggest that the Commission might consider investigating, perhaps through its State Advisory Committees, what has been the impact of the English-only initiatives in those States in which they have been adopted.

On economic issues: The economic issues surrounding the new immigration are complex and have many ramifications for intergroup relations. On the positive side, most immigrants bring with them a willingness to work hard and a desire to succeed. Yet, they face discrimination at all levels. Often they are willing to seek a toehold on the economy through places that others are not willing to accept, or they may be in positions which are not reflective of their skills or training.

Immigrants are also vulnerable to housing discrimination and the practice of so-called redlining certain neighborhoods—practices that continue to affect primarily, but not exclusively, blacks. Neighborhood institutions can assist governmental efforts to combat these practices.

To be sure, the economic problems of minorities in the United States will not be solved without strong attention to ending discrimination and providing governmental assistance. Models for meeting community-based economic need to be disseminated and promoted.

A comment on bias-related crimes which to some extent ties into Betsy Rosenthal's earlier comments: We believe that the topic of bias-related crimes merits serious attention by the Civil Rights Commission. For example, in recent years, the types of bias-related crimes that have arisen include confrontations between immigrants and other groups that have occasionally escalated into violence, in addition to isolated bias-related attacks against immigrants.

We have been advocating on behalf of two breakthrough pieces of Federal legislation—the hate crimes bill, which Congress has enacted, and the hate crimes statistics bill. The first establishes penalties for crimes motivated by religious and ethnic bigotry and incorporates many recommendations which we have made. The hate crimes statistics bill, which is pending, would establish for the first time a Federal mechanism for keeping records on hate crimes. We urge the Commission to take an active role in this area.

A task force of the American Jewish Committee which I had the honor of chairing dealt with anti-Semitism and extremism. We called for a number of actions at the State level, including the creation of special bias units, specialized training of local officials in the problems of intergroup relations and ethnicity, the creation of victim assistance programs, and the creation of local and State task forces similar to those here in California, Maryland, and recently in New York. These task forces are designed to determine the breadth of the problem in a particular area and recommend responses. We believe the Civil Rights Commission would be a welcome partner in that process.

On youth and bigotry: One of the most disturbing aspects of what we found in our task force is that most bias-related crimes are committed by youth under the age of 18. We believe this problem and the equally disturbing reports of deteriorating intergroup relations in our nation's schools and universities and colleges demands special attention. We would ask for a serious commitment to prejudice reduction programs beginning at early grade levels.

Two final comments, if I may, Commissioner Allen. My time is, I guess, nearly up.

I want to comment on a study which AJC finished recently dealing with the media and its potential for shaping attitudes toward others and affecting intergroup relations. We know that the media can exacerbate conflict or ameliorate it. Even when it is not explicitly reporting on intergroup relations, the media plays an ongoing role in depicting ethnic groups. Just as the media has the potential to transmit inaccurate or negative stereotypes, it has the potential to reach masses with positive and reinforcing messages about ethnicity and pluralism. The Commission itself in the late 1970s did a study of images of women and minorities in television, and this may provide a useful reference to the Commission for further action in this area.

Finally, if I may, a quick comment on the need to revitalize intergroup relations and the positive support that the Commission can give in that area. We believe there is need for professionalization of the field, and the governmental support in this area has been lacking. We hope and ask that the Federal Government, through the leadership of this Commission, could act as a catalyst in assessing the state of research and practice in intergroup relations and for promoting a heightened Federal role.

Thank you very much for enabling us to participate.

VICE CHAIRMAN FRIEDMAN. Thank you, Bruce. I might add that one of your recommendations has already been carried out by the Civil Rights Commission. We testified during the summer before the Senate Judiciary Committee in support of the Hate Crimes Statistics Act.

MR. RAMER. Thank you, sir.

VICE CHAIRMAN FRIEDMAN. Our next speaker is Dr. John Kromkowski of the National Center for Urban Ethnic Affairs. I am particularly pleased to call upon John to testify because of all the groupings that the civil rights community has connected with over the years, we have perhaps connected with least the groupings of white ethnics in America represented in Poles, Italians, and so on. So I welcome you here today, John.

Statement of John Kromkowski, National Center for Urban Ethnic Affairs

DR. KROMKOWSKI. Thank you very much.

Let me begin by indicating that the National Center for Urban Ethnic Affairs, as you may know, is an affiliate of the U.S. Catholic Conference. Upon hearing the recommendations of the AJC that just preceded my presentation, I am reminded that over the 20 years of the existence of the National Center for Urban Ethnic Affairs, we found ourselves in constant coalition building with the efforts of Irving Levine and AJC affiliates around the country.

So I want to begin my remarks by adding a second to the items that were in the long list of policy items, action items, for the Commission, but I want to pursue a couple of other directions as well.

I have prepared a rather long paper because it seemed to me that a number of symbolic actions were going on with your convening in this building. In many respects, 1968 in this building was a very tragic turning point for coalitions that fell apart upon the assassination of Robert Kennedy. Second, the 30-year anniversary of the Civil Rights Commission is another very important time to reflect on, not only in the overall period of the civil rights and the war on poverty movement, but the whole range of public policy concerns that have become disconnected and frightfully confused.

So my paper is an attempt to get at at least seven or eight lated items. "A new vision" is absolutely crucial to the direction of the civil rights movement. I have some very pointed remarks on that vision, and my paper shares them with you. While I have time to speak, I wish to propose a few perspectives.

In my opinion the new vision of the Civil Rights Commission must be firmly grounded on the American reality. Unfortunately, we are very ill-equipped and we have been ill-equipped from the very origin of this nation to deal with justice for minority populations, for ethnic populations. For example, Eastern and Southern Europeans, that particular configuration of immigrant groups, have over the last decade, for a variety of very ill-conceived strategies, become the stepchild of the civil rights movement. The bankrupt strategy of dividing and conquering and scapegoating is an insidious disease within the American reality. If liberty and justice for all means anything, then it means reconstituting the base of the civil rights movement so that it becomes inclusive of all populations.

Another perspective I want to suggest is that we must come to grips with and reassess ethnicity in America. We are ill-equipped to deal with ethnicity as a social, legal category. Our capacity and competence in things ethnic has been stunted by "black-white language" and "racialist social imagination" that emerged in the Southern States between 1850 and 1915. A very interesting social history of this phenomenon has been written by Joel Williamson (see, *The Crucible of Race*). Until we move through the impasse of black-white language, we are going to continue to be caught in the paralysis that stifles the work of the U.S. Commission on Civil Rights. As leaders of the governmental segment of this civil rights movement, the Nation seeks a fresh approach in this area of our national self-image.

I want to call your attention to the intellectual leadership that over the years has produced a new social history and has explored the language of politics, race, and ethnicity in the United States. You have listened to some of that leadership today, and what Professor Daniels was telling you—although you in many respects didn't allow him to elaborate it—was an important warning about the intellectual bankruptcy and the scandalous misinformation that continues to be presented about the American reality. For example, let me point to Robert Pear, a very important commentator and the *New York Times* reporter on all things related to civil rights. He regularly misses national origin discrimination as part of your charter and responsibility.

When he interviewed Lawrence Fuchs, who is an expert on immigration, and a former staff director of the Select Committee on Immigration Reform, he quotes Fuchs, and they have this interesting exchange. "We are probably going to have a browning of America over time," Fuchs is quoted as saying. But he says, "The concepts of color and race will probably change, and it's possible that the questions"—speaking about the census about color—"won't even be asked by 150 years from now."

What I am saying to the Civil Rights Commission today is that question shouldn't be asked in this next census. It is an utterly bankrupt legacy of racist, nativist language that is still with us. It makes absolutely no sense to anyone knowing anything about the city of New York to report that it is a white city, and that it is shaped by whiteness. It's the height of absurdity to tell anyone that it is not relevant that it is Jewish, Irish, and Italian. I can point to every city in the country and say the same thing about the foolishness of which reflects our ignorance and irresponsibility. In fact, without adequate scholarship, we are fueling the madness that goes in the public media. In this regard, the multiethnic incompentency of the Nation and concern about young people and hate groups are tragically but simply a macro picture of deculturation and social breakdown that a people without a honest vision are bound to suffer.

Are there some therapies? Yes. The truth. I think careful social history must be brought back into our education and public life. At the risk of laying burdens of social history on the educational system, we must also raise the educational stakes. That is, when we talk about education in a pluralistic society, we ought to be talking about the full panoply of items that are included in efforts to affirm civility, tolerance, and the common good. That is, we are not simply talking about formal information and technical knowledge. We are talking about learning about the human context of social and economic change.

Almost all of the gibberish about population projections that came to this panel today is wedded to a positivistic social science that has excluded the humanities. This sort of social science has in fact led us in its economic mode into a near worldwide bankruptcy by its lack of capacity to project sound economic models. Moreover, we are still projecting this science into most of the second and third world. We are still listening to such claptrap here. We need to rethink a science of social economy and the cultural rationales for current data basis. My paper argues for a just focus on neighborhoods in the American reality.

Very careful analysis of entrepreneurial activity, of credit, of markets—not at the national level—must be fostered. For example, we regularly know about the GNP. Tell me any one person who lives in the entire Nation. Clearly, everyone lives in particular regions and neighborhoods. Yet, until we move the U.S. census and other data reports to disaggregate information so that we can talk about specific places with specific outcomes, we will in fact perpetuate this myth of living at the national level, on the level of disaggregated data which is, at best, propaganda and, at worst, a corrupting lie of a problem misstated.

There are a few other items I want to point to that specifically relate to some of the comments that came up this morning.

EEOC—an excellent record in many respects, speeding up the process. Yet, to this day, 10 years after this Commission took testimony about the lack of collection of ancestry information for EEOC compliance and the recognition that in fact its guidelines—Federal regulations, section 60–50—commissioned them to be attentive to Eastern and Southern European ethnic-ancestry populations—there is still not one shred of evidence being collected by that agency on these populations. I want to know why. I want to know where has the U.S. Commission on Civil Rights been, because your testimony, your statement 10 years ago, said that was an item you were going to be concerned about and that you would recommend remedies. Such data is still not collected today.

So, when you ask someone about why do we have exacerbated group tensions, look for your answer among the ignored and neglected, those turned into scapegoats. Today, no simple answer is going to be accepted. This Commission must examine and explain a complex question like social, economic mobility. NCVEA went back to the executive suites of the major corporations in Chicago that we studied a decade earlier, and who was there? Black, Hispanic, Polish, and Italian populations are not present in the executive suites. Is this pattern of mobility acceptable?

Finally, let me underscore one other major dimension of the proposal that I believe ought to be part of a new vision for the American reality. We must revisit the discussion of the National Neighborhood Commission and begin to rethink and to reconstitute a perspective of America from the neighborhood level and the reservoir of good will that may be there. National leaders and local leaders ought to come to grips with the challenge of the next two decades, and the U.S. Commission on Civil Rights would do well to catalyze such an important national-local venture in support of liberty and justice for all.

Thank you.

VICE CHAIRMAN FRIEDMAN. Thank you, John. You have given us much food for thought.

Our next panelist is Ms. Yolanda Jodi Eubanks, who is the assistant to the National President of LULAC.

Statement of Yolanda Jodi Eubanks, Assistant to National President, League of United Latin American Citizens

MS. EUBANKS. Thank you for having us here today. On behalf of LULAC, it is a great honor to be here. I was real excited about presenting the position statement of the League of United Latin American Citizens. After looking at all the research studies and all the data that I have, I come here not to paint a gloomy picture, but it's not a happy one for the future of Hispanics.

What we want to comment and make a position statement on is we believe that racism and discrimination is on the rise, and it has been flourishing in this conservative administration. We see evidence of this through all our LULAC councils. We have chartered over 10,000 councils in our nation. We represent a predominantly Mexican American membership, with a large number of Puerto Ricans, Cubans, Central and South Americans.

We see evidence of this through complaints filed with our organization at the local level, at the State level, and at national, where we have filed suit after suit to ensure that the rights of Hispanics are protected and that we do have equal opportunity in all the given rights to us here in this nation.

Today, we see evidence of an increase in ethnic and racial disdain. Incidents after incidents are being documented and reported on colleges and university campuses, in work places, in synagogues, churches, neighborhoods, and public schools. We see evidence of new groups promoting racial and ethnic hate violence, such as the Skinheads—and we do have the Skinheads in little old Fort Worth, Texas, Cow Town, where the

West begins, so they are everywhere. We see neo-Nazis in our city; we also see swastikas coming out at schools, and the resurgence of the Ku Klux Klan, which is very alive in Texas and many other places, and the movements for "English only" and U.S. English. We definitely believe these are movements of anti-Hispanic, and also it is discriminatory.

Police departments across our nation are even having to initiate bias-incident investigating units due to the increased reporting of hate and criminal acts promoted by prejudice. This Commission must declare war on all forms of discrimination and racism. We have failed to win the war on drugs. Maybe we can be more successful in the war on discrimination. We must set the tone in this nation, let everyone know in our nation that we will not tolerate bigotry.

The time has come to talk frankly about the issues that minority communities face on a day-to-day basis and the future impact on the lives of generations to come. The demographic trends, research, and studies clearly predict that Hispanics are the fastest growing minority, and I'm sure we've heard that over and over and over again, but that is something we cannot overlook or ignore. We are predicted to be the largest minority group, and here today, I am hearing that we're going to be 74 percent of the minority group in the future.

The rapid changing demographics of Hispanics will have a great impact on the future of the United States. Congressional representative seats, single-member districts, educational programs, English-language laws, the 1990 U.S. census count, equal employment and housing opportunities, and human services are at stake. The League of United Latin American Citizens are committed to the advancement of our people—not just our people, but for all our nation, all our brothers and sisters. LULAC will make issue to strengthen and broaden Hispanic representation from PTAs to presidential cabinets.

Numerous studies and projections predict that Hispanics will account for one-fifth to one-half of the Nation's population growth over the next 25 years. If the Census Bureau's projections are correct, shortly after the year 2000 there will be twice as many Hispanics as there are now. No longer can we be excluded in the decisionmaking process that affects our day-to-day lives.

We have been referred to as a sleeping giant. Well, the sleeping giant has woken up. We are now coming to grips with what we have to deal with in the future as far as representation. We are that sleeping giant. We are awake. If this sleeping giant trips, this nation will be crushed—crushed by the evils of illiteracy, crushed by the evils of underrepresentation, crushed by the evils of under- and unemployment, crushed by the evils of poverty.

A good education continues to be a key to a better life in America. Ever since our founding, LULAC has made education our highest priority. We have fought and will continue to carry out our mission to ensure that Hispanics have not only an equal education but a quality education.

LULAC's far most reaching achievement in education was our "Little Schools of the 400." For those of you who are not familiar with this, this is the prototype that was used to start the Head Start program. My mother was a third-grade dropout. She was discriminated against. She was not allowed to speak Spanish, her native tongue. Too bad this program didn't come before the end of it. It came many years afterwards. I was a project of this "Little Schools of the 400." I did so well I was there 3 years, learning the English words that were needed to get into school. But these "Little Schools of the 400" have become the prototype so that we now have Head Start. We need more programs like this—prevention.

We are all concerned about our nation's children—your children, my children, our grandchildren. Together we can make a positive impact on their educational achievement. By the year 2000, minorities will make up the majority of the school-age population. And from what I've learned today, we are already there.

Earlier today also, we heard that one in every three will be a nonwhite. Numerous studies show that the nationwide dropout rates are alarming and disproportionately higher for Hispanic students. You're looking at a statistic right now. I was an at-risk student, a potential dropout. So that problem is very real to me. According to a June 1988 report, the Hispanic high school dropout rates nationwide are a growing dilemma. I won't give you the statistics because we know there is at least 50 percent, and in many other cities there are 70 and even 80 percent.

Students give reasons for dropping out of school due to academic difficulties, boredom, disruptive environments, pregnancy, drug abuse, which are the more common ones. I want you to note that language is not one of the common problems.

Forty-three States have strengthened high school requirements, and 15 now require exit tests. These ways are now helping to eliminate more of our students. They are being pushed out due to these new regulations. Few States have allocated money to help them reach these new standards. So here, again, we're seeing more dropouts. Yes, we have graduated more. That's because our populace has grown, but we still have the largest amount of dropouts, and that continues to grow.

The recruitment and retention and hiring of Hispanics in higher education systems are currently being challenged by LULAC in the State of Texas, where we have a lawsuit against the university system of Texas for their inadequacy in recruiting students, and earlier we heard the statistics on that.

I know my time is running out, so let me get to the main part.

Hispanic children will make up the majority of our school-age population. They will be the poorest of the children. Their parents will have the smallest paychecks. Their families will feel the pangs of under- and unemployment with the least amount of education. This is a critical problem for the future of the largest minority group in America. The overriding value of this forum is to put into focus that for the first time the future of our nation will be affected by the success of the Hispanic population.

We look at the three factors that have been mentioned today here at this forum, and those were education, family type, and employment.

We need to place emphasis on education to ensure that our students are completing high school and to make available assistance for students who want to go to college to go there. Last night I heard on the news that one of our presidential candidates has issued his statement on a new program to help college students, hoping this will be enacted by our other candidate. Every dollar we invest will save us thousands in the long run, savings from lost revenues, savings from welfare, incarceration, etc.

Family is the base of the Hispanic culture. Our nation is now beginning to realize the importance of that family base. Child care standards, child care stipends, tax credits, flexible work hours, menu benefits, and affirmative action programs, increased food and housing and job training programs are support services that the family in the 1990s and the year 2000 will need in order to survive.

All our statistics, research, and study show that children who are in families headed by women are victims of a deteriorating family support base. Employment opportunities will be plentiful, but there will be a shortage of skilled applicants. We will have a third world situation here in the future if we let this trend continue.

These are the agenda items that we must make a priority in our nation.

At this point, since I have no other time, I will go ahead and close.

VICE CHAIRMAN FRIEDMAN. Thank you very much.

Our next panelist is Mr. Irvin R. Lai of the Asian American Voters Coalition.

Statement of Irvin R. Lai, Asian American Voters Coalition

MR. LAI. Thank you for allowing me the time to share some of my concern and thought with your Commission.

I am also the national president of the Chinese American Citizens Alliance, which was established in 1895. We are the oldest Chinese American citizen organization, especially in civil rights, and that's the reason why our organization was born, because of the prejudice and persecution of the Chinese settlers coming to the United States.

We are still fighting that battle from that day on until now, and we still haven't completed our job. And I'm sorry to say, after 93 years, we are still at Day One. This is the reason why I am here today so maybe we can advance to the second step in this next century, so we don't have to spend our time here—although I like to look at you, but we can spend our time at home or maybe at our business areas so we can earn a living.

We are very concerned about the demographic change that is going to come upon this area, especially the impact on the Asian minority in the United States, especially in California. During the last decade, the Asian population has increased approximately over 100 percent. The changes by the immigration law of 1965 created a great influx of immigrants from Southeast Asia, and especially because of the Vietnam war in which we allowed over a half-million refugees to come to the United States, and most of them do like southern California and have come here. And also through the natural growth of the Chinese people in the United States, and especially the Chinese people—we have over 1.2 million right now in the United States.

If you take the Asian population, including the Pacific American, as a whole we have 6.5 million. That was related to me last week from the Census Bureau down in Houston. We're not talking about 100,000 people like we did in 1850 or 1890 or 1900. We're talking about a much larger population with a bigger magnitude.

The reason for the large population is immigration growth. Once you have a large population, you demand more jobs, you demand more service, you demand more educational privileges, and demand more other things that society has. And then you'll be competing for those things when there is not enough to pass around.

That's where the ugly thing comes in part, because if there are not enough jobs, and there are some Asians that have jobs and other people who don't have the jobs, the Asians will be the scapegoats of the plight of the society. Not only that, you have experience with the black, the Hispanic, and now the Asians, that we are on the bottom of the totem pole, that we are the ones that will be the target because we are the quiet type. We never say anything because we are afraid of our status in the United States, because before we did not understand the law fully and now we do, and now we are beginning to be a little more vocal. And hopefully I'm not that vocal today.

But through the increase in violence to the Asian minority in the United States, I can cite one area. In south central Los Angeles, we have a great population of newly arrived immigrants from Korea. They are the ones that are buying property, which was cheap property—not cheap but in cost because nobody wanted it. They have taken over small businesses that are corner grocery stores or service stations, and they have begun to make a living for themselves.

Unfortunately, the society, the way it is, when you don't have anything and you see your neighbor has something, you're going to hate him for it. That is part of the reason why I have come to you. Maybe we can work out some solution to resolve those things.

You know, they are subject to verbal abuse; they are subject to violence, physical violence. They are subject to sometimes killing in that particular area.

I think it is very serious because most of the people who do live down there are first-generation immigrants, and for some they understand very little English. Their communication with the general public is very limited. And without communication, that will be another step backward.

So this is another area that I think in order for you to protect the civil rights, you have to work on and maybe increase the budget on English as a second language, or teach them English so they can understand and converse with other people.

Another area that we run into is the San Gabriel area that is very predominant. There are a lot of Asians who like that particular area because the weather is right for them comparatively from where they came from, and also there are a lot of Asians living there and they like to live among the neighbors.

Unfortunately, they brought a lot of money in with them; they buy a lot of things, they improve the house, or drive a fancy car, and people begin to get jealous of them. I don't mind them getting jealous without abusing them. You can get jealous; that's your privilege. But when you start verbally and physically attacking those people, write graffiti on their houses, in front of their lawn put crosses, and burn crosses on the lawns—I think that is not too American; I don't care who you are or where it is.

And this happened right here in southern California. You talk about Mississippi or Arkansas or Georgia; you talk about Texas and those places and it's a common thing sometimes. But here in southern California? When you have a pluralistic society, with all the combination of people that come here, you have very good communication with people in this area, and you still have this kind of racist action. That is very unbecoming of Americans. I know they violate the civil rights. I know I don't have to tell you that.

Another thing happened here in Los Angeles. This is an experience now. I'm not talking about in general. Here is a classic case. You all remember the Vincent Chin's case in Detroit. This was a Chinese American young man who was mistaken for a Japanese, and two auto workers in a bar were accusing him as a Japanese, that the Japanese automobile came into the United States and caused a depression in the auto industry and they were out of a job. And through drinking and abuse back and forth, they started fighting. Unfortunately, he was killed by a baseball bat that knocked his brains out. And those things are uncalled for.

I believe that the civil rights was tried; the first trial convicted one person, and a second trial in Cincinnati overturned the conviction. And in the other criminal trial, it was a very light conviction, which was 3 years' probation and a couple thousand dollar fine for killing a human being.

This thing was almost repeated again in Los Angeles about a month ago. It happened in this Los Angeles city in a restaurant called L.A. Nicole on Sunset Boulevard. Three Chinese Americans were sitting in a bar having a drink, minding their own business, having a good time, not bothering anyone. Here were two men, Caucasian, construction workers, came in and accosted them and said, "Where is the Honda convention?" which means that those are Japanese people here coming for the Honda convention. Secondly, they started racial slurs and they asked, "Where are your cameras?" and called them all kinds of names.

So finally one of the Lee brothers couldn't stand it and told them, "Will you please leave us alone." The two men jumped up and knocked him down, so they had a big brawl at that restaurant. Fortunately, the owner of the restaurant saw what was going on and had the two ejected. And fortunately, there was no baseball bat out there waiting for them when they came out.

I'm telling you this is a very serious situation in southern California.

They told me that the Vincent Chin case happened in Detroit because there's not enough Chinese or Asians to have communication with the Caucasians, with other people, because they are so few and far between they don't have any communication. They used that as an excuse for killing that man. But here in southern California, when you have about 300,000 or 400,000 Asians, and they have been in California since 1850, you mean to tell me the people around here don't know the Asians and who they are? That is totally unacceptable, and I believe civil rights are violated. And I plead to you that you should look into it very seriously.

Another area I'd like to talk to you about is on education, discrimination in our higher education. I'm talking about mainline educational institutions, the University of California and many other like institutions. There is an unwritten quota system set in for Asian Americans. Whether you have a 4. average score on your test, you cannot get in because when you reach the magic number that the Census Bureau has, you are automatically cut out. We have intervened with the University of California, and they began to look into it.

But last August it happened again. A friend of mine—his daughter graduated from Lowell High School in San Francisco with a 3.9 grade average, went to the University of California, Berkeley, and was denied admission. Her father who happened to be a judge, [name deleted], and he inquired and found out that many people were accepted to enter with a much lower grade point average. So he wrote a letter complaining, and finally she got accepted.

But how many children have a judge for a father?

So use that information. I have much information here to tell you. I have written it so you can see it. I am very pleased that you allowed me to express my concern, my anxiety.

I hope I didn't take too much of your time. I hope the information is valuable.

Thank you.

VICE CHAIRMAN FRIEDMAN. You have been very helpful. Thank you very much, sir.

Our next speaker is Ms. Joyce Leanse, who is the western regional manager of the National Council on Aging.

Ms. Leanse.

Statement of Joyce Leanse, Western Regional Manager, National Council on Aging

Ms. LEANSE. Thank you very much. We appreciate being here and having an opportunity to bring to you our concerns. I know you have heard ad infinitum about the increasing numbers of older persons in our society and the tremendous projections that are coming up. But I also want to comment just on the fact that there will be also increasing numbers of frail, mentally and physically frail, living to be old for the first time, as well as increasing numbers of older persons who live long enough to become mentally and physically frail.

NCOA also has concern about the impact of the equally dramatic changing proportions of minorities in our population, the lessening number of children being born to middle- and upper-income families, the resulting smaller family size and the increasing age of mothers when they first become mothers, and the results of that in terms of the assistance from their own children that will be available to them when they grow old.

I'm skipping a lot of information that you will have a chance to read. But I do want to focus on the fact that based on anecdotal and experiential evidence, NCOA urges the Commission to consider doing another age-related study. It has been over 10 years since you did your last, and unfortunately the values and attitudes which supported age-related discrimination in the past, particularly towards the elderly, continue and become self-fulfilling prophecies.

Given the unprecedented increases in the numbers of older persons and the steep increase projected for 2010 when the baby boom generation begins to turn 65, but also the fact that that large cohort has begun to enter their forties, the age at which age discrimination legislation in relation to employment begins to protect individuals, provides reason and impetus, we believe, for studying age discrimination now.

NCOA is aware that this Commission does not have jurisdiction over age discrimination in employment, but NCOA believes that you must share our concern over the unprecedented lag in processing age discrimination in employment cases at the Equal Employment Opportunity Commission. The Senate Commission on Aging reported to NCOA that that number could be between 6,000 and 7,000 cases. No other category of persons is addressed by the EEOC in such an unresponsive, neglected manner.

We recognize the pressures on the EEOC to carry out assignments with too small a budget and too little staff, but it is obvious that their disregard for the plight of older persons, their ordering of priorities that push to the rear cases affecting older adults, is undoubtedly repeated in agencies the country over, agencies whose responsibility isn't so specifically related to older adults.

NCOA will assist the Commission in any way it can in the conduct of and/or to gain resources for a study which will document the extent to which other federally supported programs may be denying older persons their rights under the law or serving them in a lesser way than other eligible populations.

There are three policies and practices that I would like to comment on now that I would urge you to look into. One has to do with program dollars for benefits or services not proportionally allocated to older persons. A second has to do with definitions for benefits or services that do not address a comparable concern of older adults. And the third is the limitations of age placed on services when functional capacity is a more relevant and appropriate criterion.

The large increase projected in the number of older persons, particularly for those requiring increased assistance, will require the allocation of increased dollars. The projected increase in demand for services has potential for impacting negatively on the variety as well as the quality of available services. The emphasis on cost rather than care is probably more appropriately addressed in another forum.

But the civil rights issue lies with the potential for inappropriate targeting, and the lag in delivery time or unresponsiveness of the service for some category of eligible persons. It also results from an administrative practice identified in the 1977 study, and still, unfortunately, continuing today, of limiting the coverage of programs with multiage eligibility, such as Title XX or vocational education, and utilizing age-specific funds, such as Title III of the Older Americans Act, or Job Training Partnership Act [JTPA], 3 percent older worker programs, to provide services for older adults. It is a type of Gresham's law, with flexible dollars replacing categorical dollars, and older adults are shortchanged in the process.

However, for much of the past decade, if not longer, no data has been collected regarding the ages of those receiving federally supported benefits and services. So there is no data to substantiate such practices or their consequences.

NCOA urges the Commission to initiate whatever is necessary to have such age-related reports made available. We will support your request and rally the support of other organizations to seek congressional authority or whatever it takes to have such reports required of all relevant agencies.

An example of limited service or benefit definitions that disregard the concerns of the elderly is child care. NCOA believes and supports the fact that child care is needed in this country. Indeed, we train older adults through our Title V program to provide child care. But a more inclusive term is dependent care. The need for caring arrangements is not limited to children; it is of concern particularly to employed persons for dependents of all ages, including disabled youth, mentally frail elders, and so forth. We have no idea how many persons have been forced out of the labor market or are working in less responsible positions because of their need to be available to care for a dependent relative.

Is this a civil rights issue? NCOA thinks so. In Los Angeles, NCOA succeeded in having the local JTPA program expand its coverage for child care to include dependent care. Such expanded coverage should be available nationwide for JTPA and other employment training programs. NCOA urges the Commission to review federally supported programs to determine the extent to which archaic impediments for adult participation in employment, in education, in training programs are addressed.

The last specific issue I want to cover has to do with age-based limitations on services, functional capacity being the more relevant criterion. Examples readily come to mind for housing and vocational rehabilitation services. One I am personally familiar with in Los Angeles is where shelter cannot be made available in a particular downtown housing complex for persons over 62. This a safety measure required by the fire marshal because of difficulty an older person might have in negotiating the building. It is obvious the building could be a problem to a disabled or mentally frail person of any age and not a problem for many, if not most, persons well into their seventies or older, depending on their capacity to cope with the building.

Related to this are the reported practices of many vocational rehabilitation departments that deny services to persons over 60 or even younger, because the worker doesn't perceive the person seeking the service as employable. Similar discriminatory practices occur with the State employment service based on the stereotypic perceptions of agency staff.

NCOA urges the Commission to expand its outreach and educational efforts. Forums such as this one and the others planned in this series, coupled with the broad dissemination of the resulting materials, are important efforts. We would urge you to think through with related not-for-profit organizations how to best gain the attention of agency administrators who put into place the policies and practices that negatively impact on minorities, women, disabled persons, and older adults.

To review, we urge you to conduct another study of age discrimination in federally supported programs, including a review of impediments to participation. We urge you to do what is needed to gain age-related data on those receiving federally supported benefits or services, and we urge you to continue and expand your educational and outreach programs. NCOA is ready and willing and able to assist you in any way that we can.

Thank you.

VICE CHAIRMAN FRIEDMAN. Thank you so much.

Our next speaker is Mr. Harold Webb, who is the executive director of the Los Angeles NAACP. I am very pleased to welcome you as a representative of one of the oldest and most respected of the civil rights agencies.

Statement of Harold Webb, Executive Director, Los Angeles NAACP

MR. WEBB. Thank you very much. Mr. Robert Destro is the name whom I had as committee chairman, but I would like to say to Mr. Murray Friedman, Dr. William D. Allen, Chairman of the U.S. Commission on Civil Rights, and distinguished members of the Civil Rights Commission, good afternoon. I thank you for the opportunity to share with the Commission on Civil Rights the concerns of the Los Angeles branch of the NAACP on changing demographic trends and their implications for civil rights.

First, we must address the concerns the NAACP has about the Commission on Civil Rights' philosophies. As we reviewed the philosophies of the previous administration—and I will say "CRC" or Commission on Civil Rights—we noted a definite decline in the effectiveness of the Commission on Civil Rights in upholding legislation, and litigation that is already in motion in supporting the civil rights of minorities. It is our hope—and we pray for relief for the new CRC administration—that it will not embrace the same philosophies but rather support the policies that were established with the 1964 civil rights legislation, legislation that the NAACP was very instrumental in shaping, the subsequent affirmative action programs that were put into effect, the affirmative action program in employment and education, the affirmative action programs that resulted in education and employment of many minorities. Many of us in this room are direct beneficiaries of those programs.

Yes, times are changing. Demographics are changing. However, the complaints of discrimination are still being filed heavily with the NAACP, as well as with other agencies.

For example, in less than a 3-week period, our Los Angeles office has taken in and filed—and what I mean by "taken in," not the ones that we refer out, but the complaints that we've taken in and handled in house—over 75 employment discrimination cases, 34 police racial slurs and excessive abuse cases, 40 housing discrimination cases, and 19 miscellaneous discrimination complaints—that is, complaints in court cases, education, and civic matters.

This goes on and on and on and, even as I am speaking. I may refer to a single incident, but we are saying that these incidents reflect a broad spectrum of things that are occurring in the city, in the region, and indeed in the Nation.

Therefore, these are the concerns that the NAACP has about the future of the Civil Rights Commission. We are concerned as to the equality of enforcement of civil rights that we can expect from the Commission on Civil Rights.

I can speak from a unique vantage point. I have been working in the outlying cities in Los Angeles County and San Bernardino County as well as observing discriminatory practices in the Los Angeles urban area. Future civil rights issues will be the smaller cities, such as those in outlying areas—Pomona, Claremont, Upland, Rancho Cucamonga, Torrance, Bell Gardens—these cities are 25 years behind in the civil rights progression, cities that have not addressed the issue of civil rights or affirmative action, that is, in the governance of the city—i.e., most don't have elected minorities as officials, and in the administration of the city, most don't have minorities as paid administrators. The cities have not included minority administrators as, say, police/fire as chief executive officials—they do not have minority firemen and policemen and, indeed, administrators in those areas, or in the city administrations in relation to the population of the cities, in regard to the number of minorities that are in the city.

The make-up of some cities is indeed over 50 percent minority—mostly, black and Hispanic. Administrations of these cities do not reflect equal numbers that make up the minority groups in that given city. What we are saying here is that oftentimes the minority population in some of these cities is really the majority population, but they are not included in the mainstream of the cities. *They are not included.* They are not included in the employ of the city in the administration, or in the safety areas.

Future civil rights issues will be with these cities that have institutional racism so deeply ingrained that the exclusion of minorities is passed off as the norm rather than the exception. We need a Civil Rights Commission to oversee the compliance and the enforcement of the rulings of the court and the legislation that has been passed. Or is it that the civil rights laws still have to be further defined or amended to ensure the issues of discrimination in employment, housing, education, etc., are adequately addressed; that is, let us view this scenario in employment. With an influx of so many new minorities, the older or traditional minority—the Afro-American we'll use here for the purpose of giving a true reflection of the problem—and I am speaking for all minority groups. The NAACP has fielded many, many complaints from all the minority groups throughout the city, but I'm speaking for the Afro-Americans because these cases are very blatantly prevalent to us.

Mr. Lai, Afro-Americans are subject to many of the same problems that you're having in south central Los Angeles and, indeed, all through California. There are cross burnings happening in this day and age, cross burnings in Claremont, California, cross burnings in—yes, there has been recently, in Riverside, in Orange County.

I'm saying that these discriminatory practices are happening not only there in the Chinese and/or Asian area but all over. And these blatant practices are things we have to be cognizant of, and how we can reflect civil rights to bring about equality there.

The scenario I'm talking about is institutionalized racism affecting Afro-American employees. I can give many cases of this type of thing.

[The following was submitted by Mr. Webb:]

> A valued employee that has worked for a corporation for 8 to 10 years comes up for some type of an award, whether that be profit sharing, whether that be extra vacation time, or whatever, we find that pretty soon he starts getting what we call paper being written up on him. He's been coming to work for 10 years 2 minutes late. All of a sudden this is an infraction that they start writing him up for, that he's coming in 2 minutes late. And pretty soon they start giving him warnings, and the next thing we find the employee is being terminated. He has a pay scale of maybe $10 to $15 an hour. What happens is that the employee is terminated, and they bring in what we say is a new minority, who is hired at minimum wage or less and not given any benefits. Often hiring two to three employees in place of the one employee terminated.
>
> That is a direct racial violation, as we view it. As we view these cases, we see that that is happening to black males and we see that that is happening in some cases to black females. We do not find that happening in the other minority areas. What I'm saying is that the employee has been put in jeopardy, and he ends up being terminated from the job.

Do we need laws to address the other types of racism? I spoke of institutional racism. We also have the revolving-door type syndrome in racism. We find this type happening in our educational systems and institutions of higher learning—State college system, the California university system, the private college system, and, yes, the community college systems.

I have documentation on the revolving-door type syndromes of discrimination. We find in the institutions of higher learning that the Afro-American, both male and female, at the doctoral level and even at the master's level, are encouraged or invited to become part of the academic staffs of universities, and not just in ethnic study classes but classes in all disciplines. They are employed as assistants or associate professors. They teach and publish from year to year, and they are there 5 or 6 years, but they are never given tenure. The institution finds a reason to find them not suitable for tenure.

As far as we have been able to discern, in the numerous cases we have reviewed, the bottom line is definitely racial discrimination. They are asked to leave the institution. So they go out the revolving door, and at the same time the institution puts together a flyer that is announcing the job opening, and we have someone else that comes in the revolving door, and they're in there for another 4 years or 5 years, and the syndrome goes on.

We find that they have posted, "We are equal opportunity employers." However, they mean, "We employ equally, but we do not tenure equally."

Or as they do in the community college system, they bring in highly qualified educators and underutilize these persons. They hire the instructors, mostly Afro-American males and females, as hourly employees. They do not receive a full benefit package, and they are never able, under that system (institutional racism), to upgrade themselves to become full-time tenured employees. These persons are qualified and have applied for and in many instances have taken the test and gone through the interviewing process for positions, but they are always told, "Your experience and qualifications are good, but we have found someone else who is better qualified."

Do we need an amended civil rights laws? Do we need new civil rights laws, or do we need to enforce the laws that we already have?

The NAACP maintains that the Civil Rights Commission needs to be the power that enforces laws and the checks and balances, but we also maintain that the Commission on Civil Rights needs to be certain that subtle forms of racism and the new racism, which includes the revolving-door syndrome and institutional racism, are adequately included in the court decrees and the legislation that is passed.

Yes, the Nation still does need a Civil Rights Commission, a Commission that has the ability to focus on discrimination that exists in the work place, the housing industry, the educational institution, at all levels of the government in cities, regions, and the Nation, along with the ability to focus on the issues. The Commission needs the power and also the philosophy that mandates that the Commission enforce legislation already ratified and that which will be forthcoming.

Can we form a partnership where the NAACP seeks to acquire legislation that will preserve and protect the rights of all individuals by banning discrimination and segregation and seek justice in the courts? And can the Civil Rights Commission be a checks-and-balances watch of the executive branch of government to enforce compliance through the agencies, that is, the EEOC, the defense contract compliance, the Justice Department, the civil rights departments of all those agencies that are charged with that concern?

And as one footnote: Can we find out why we have to wait 12 to 14 months before an EEOC complaint is even assigned to someone to investigate? I have confidence in America; I have confidence in the Civil Rights Commission. I need to see that confidence come to fruition.

Thank you very much.

VICE CHAIRMAN FRIEDMAN. Thank you, Mr. Webb. And thank you for your comments, even though sometimes you were not complimentary to us.

MR. WEBB. I'm not complimentary to you?

VICE CHAIRMAN FRIEDMAN. I said sometimes when they weren't complimentary to the U.S. Civil Rights Commission.

MR. WEBB. Oh, no, there is no disrespect here.

VICE CHAIRMAN FRIEDMAN. No, no, I didn't mean—

MR. WEBB. I didn't understand what you said.

VICE CHAIRMAN FRIEDMAN. I said I appreciate your comments even when they were sometimes critical.

MR. WEBB. I thought that's what you said. We cannot always be complimentary.

VICE CHAIRMAN FRIEDMAN. It was said in a loving way.

MR. WEBB. In a loving way; right, that's what it is.

MR. LAI. He loves the way you talk.

MR. WEBB. I just make things happen so everybody can have a piece of it.

VICE CHAIRMAN FRIEDMAN. Our next speaker is Ms. Antonia Hernandez, president and general counsel of MALDEF.

Statement of Antonia Hernandez, President and General Counsel, Mexican American Legal Defense and Education Fund

MS. HERNANDEZ. Thank you very much. What I will do is submit my written statement and just outline and summarize some of the concerns that we have.

I have been asked to speak about the changing demographics and the impact that will have on the civil rights community in the 1990s. To me it is interesting that we sit here and talk about specifics when in reality we're really talking about some changes that to some degree are beyond the control of a lot of people. I think that California is a perfect example. We are the guinea pigs; we are the experiment of what the future of the United States will be. And that is that California is now a minority-majority State. Whether we have actually reached the 50 percent or not is really irrelevant. It's there; it's going to be there.

But numbers in themselves don't mean anything if you don't really look at what these individuals can and cannot contribute, and the fact that we are all going to be interdependent upon one another. And I'm going to make some statements that will probably rattle some cages, but so be it.

We keep talking today about the reality of the civil rights community, the progresses and the drawbacks, the lost battles, and yet there has been some progress; one cannot deny that. The question now before us is that in the struggle for civil rights we have grown a little cynical, and we have never really had the support of the community to eradicate discrimination. So as we look at what has been done, one must say that a lot has been done, despite the lack of support and despite the lack of resources.

We must also consider the fact that we are going through some radical changes within our country. We are going through an economic change that is pitting interest versus interest. We are going through a radical change in our economy where our job structure is changing, and that is from an industrial base to a service/information technology. What is that doing to the work and the availability of employment to minorities?

We are dealing with the reality that we have a school system that is not educating anyone even to be a janitor, and that to be a janitor you have to have a certain degree of competence to run the computer vacuum cleaner. In the future, whereas before a fourth grade education would have sufficed to be on the assembly line, today and in the future it will not suffice. What is that doing to the minority community, whether it be Hispanic, black, Asian, or whatever?

To me, the challenging thing of the future is that white America, America that has the power, is going to have to let it go, because if it doesn't we are going to sink together. Statements have been made about the changing demographics and the fact that it is an older white America. Well, they're going to need a minority educated work force to support them. And if that is not realized very soon, it is not just the plight of the minorities; it is the plight of society at large.

I think as you look into the changing demographics and what that means to the civil rights community in the future, a report on the interdependence of our interest and of our well-being, and that it is no longer to do well and feel good about yourself, but that it is your self-interest to educate and to pass bonds and to care about whether a black or a Latino is educated. Because that Latino, that youth that is entering kindergarten right now, is going to be the worker that I am going to rely on if I am going to retire at age 65 by the year 2000. And it is not just I, but the yuppie, the Anglo. And chances are it is the majority white that is going to live to be 65 and not the black or the Latino. The statistics show that many of us don't even make it that far.

When we look at the issue of education, it is sort of ironic that people always say, "More money, more resources." Well, there has never really been enough money, and there has never really been enough resources to really truly educate our community. One of the most difficult problems that we are encountering in the area of education is the unwillingness of society to provide for a public education because the majority of the students going to public schools are minorities, and you don't have the institutional structural support for an education that is adequate.

Here in Los Angeles is a perfect example of this. We have within the Los Angeles school district an inequitable distribution of resources. I'm talking about tenured teachers versus inexperienced teachers. I'm talking about facilities that have airconditioning or just facilities that have a cafeteria and a gym where children can play. I'm talking about the fact that in Los Angeles the year-round schoolings are in predominantly Latino schools and black schools, and in the San Fernando Valley we have schools that are half empty, but yet we cannot get the school district to impose year-round schooling to spread the unfairness and the inequity in that.

In the area of education, we are going to have to spend more money. How one gets that message across to society is going to be a difficult one, and I think that is one that the Civil Rights Commission can undertake. Because really what we are dealing with is changing the tone of this country, the feeling that we have to go beyond taking care of our own individual needs, and that we have to go back to the civic societal covenant that we all have in a democracy, and that it is all in our interest to provide for the other less fortunate individual.

I don't know how one does that. I don't know how one goes about providing for valuing diversity, that there is nothing wrong with being different. You're not better; you are not worse; you are just different, and we are all enhanced by our differences.

Within the Latino community, we have the usual issues that plague all poverty communities, and I will not go into that. But above and beyond those issues, there are several issues that are extremely unique to Latinos, and one is "English only."

I am extremely baffled by the fear of English-only speaking individuals, of the abilities of others to speak another language. I am no less American because of my ability to speak Spanish. In fact, I am a better American because I can communicate with more people throughout the world and can be a better ambassador for this country. And sometimes I wonder when people speak about the English-only movement—and, in fact, I asked a question recently when somebody said it was symbolic. Well, is the English language like the rose being the flower of the United States? And if that is so, we don't have a rose as the flower of the United States, so why should we have a language? And if it's English language like the religion of the United States, then do we really want that within our society? And what is it about our ability to speak another language that threatens so many people?

I believe that if you look at Proposition 63 and its impact on people, it is a vehicle to be used to discriminate, to stifle people, to deny them rights and opportunities. And anyone who sees the English-only movement as anything but that is refusing to face reality.

The other issue that I would like to address is the issue of immigration. Yes, MALDEF was and continues to be opposed to the Immigration Reform and Control Act. But be that as it may, it has passed. What we have said is coming to be true and our dire projections are coming to be true. What we have done is we have created an underclass, and we cannot avoid that reality. In creating an underclass, what we are doing is justifying discrimination and exclusion. Those people continue to come. They are not going to stop coming. By denying them the basic necessities, what we are doing is we are putting a burden on our infrastructure.

MALDEF has been working to document the charges of discrimination, to really put into focus the antidiscrimination provision of IRCA. A U.S. General Accounting Office report that will be coming up in November will document the widespread discrimination in the employment force, not only for undocumented individuals but for citizens and residents alike. I would urge you to consider this topic as an issue of further review. It is the Hispanic who is facing the greatest threat, but it also impacts all other immigrants, not just Hispanics.

In closing, I will tell you that, on behalf of the Hispanic community, things look extraordinarily tough, and it's going to be a rough time, but we will take our rightful place in society. We only seek to contribute, to be part of a society where a human being is valued for his or her contributions—and we have a lot to contribute. We are not going back, because this is where we belong. And we intend to be part of this society, whether we do it friendly, whether we share, whether we do it openly, or whether we do it through the courts and through more divisive manners.

I thank you for the opportunity.

Discussion

VICE CHAIRMAN FRIEDMAN. Thank you.

We now go into our question period, and I will start with Francis—unless you have no question.

COMMISSIONER GUESS. I would like to yield to my colleague for the time being, Mr. Chairman.

VICE CHAIRMAN FRIEDMAN. Esther.

COMMISSIONER BUCKLEY. It is very difficult to take all of your ideas and try to come up with questions that could be addressed by all of you. I believe probably what I like hearing and what I am hearing from a lot of you is that the stress is still going to have to be on education in a lot of ways, not only in the actual schooling and schooling institutions but in how we deal with employment issues and how we deal with the work force and how we deal with changing conditions.

What I'd like to do, if I can—and probably MALDEF and LULAC might have more to say on it, but the American Jewish Committee might also have something to say on it—the issue of bilingual education is an issue that has never been quite resolved, and it still is that nobody really knows what that term means, and everybody has a different impression. Mr. Lai talked about English as a second language, but yet I don't think that that is the impetus the other organizations might have.

What I'm asking is: Can you suggest in the area of bilingual education what kinds of things we should be looking at to improve the education of minority students? Because in some cases we are even hearing that we might need to teach English to blacks as a second language. So kind of suggest what kinds of things we might look at in the educational system to improve communication skills in our minority students to have them achieve success to where they stay in school and graduate. And maybe we'll start from the left this time.

MS. HERNANDEZ. Well, as far as bilingual education used in an educational setting, it basically means the teaching of the

English language through a transitional method, and that is that you teach the children in Spanish the substantive language while at the same time teaching them English, and once they are versed in that language then transferring over into the English language. That is the understanding of the traditional definition.

What you do while you're doing that is you're reinforcing the native language, and that is you are really reinforcing two languages. There are enough models and examples where, when properly implemented, it is one of the best methods to teach non-English-speaking individuals the language.

Here in the Los Angeles school district, I believe they have just passed the largest budget allocation for bilingual education, and I believe the budget was $19 million. So you will begin to see a school district that has made their commitment to properly implement—in a limited manner; just keep in mind that it still does not and will not address the number of children that are not English speaking in the Los Angeles school district, which is the second largest in the Nation. But as far as commitment to properly implement it, you will have a model from which you can judge. And there are other models throughout the country that show that it can be done.

Our experience, of course, is with Spanish-speaking children, but I believe that there are other models that have used it for other languages in the transition to the English language.

COMMISSIONER BUCKLEY. Ms. Eubanks.

MS. EUBANKS. There is a myth that bilingual education is a cause for dropouts. If that is the case, if bilingual education is causing Hispanic dropouts, then what program do we blame for black students, for Asian students, and for the white population?

Bilingual education is an excellent vehicle for teachers to help develop the self-esteem of students. That seems to be one of the main reasons why they do dropout. The U.S. English movement is trying to blame bilingual education for the fact that we have so many dropouts of the limited-English-proficiency students because they are isolated or they are not developed in the skills of English, but again bilingual education needs to be expanded. Students need to maintain longer years in that program in order for them to receive all those skills necessary to transfer into the English language. It takes usually between 5 to 7 years to become proficient in academia.

COMMISSIONER BUCKLEY. Mr. Lai, do you want to comment?

MR. LAI. I was one of the commissioners on the Los Angeles Unified School District, especially pertaining to Asian education. At that particular time, about 16 years ago, we had a great group of people who came into the United States of all different nationalities—Cambodian, Laotian, and Southeast Asian that doesn't have the main line like the Chinese, Japanese, Korean, and Filipino.

We have indeed quite a problem educating people to learn the English language. At that particular time, the commission developed a training program for the teacher in bilingual education. And I believe it's very important. When school children come into the unified school district and are thrown into a class completely foreign to them and they don't understand, you can retard their growth. Their mathematics, their science excels anybody, but when it comes to speaking English, they are far behind.

I can prove to you through my experience, when I went to kindergarten, I did not understand one word of English because my mother taught us the Chinese language. And I had such a problem understanding English, and when I graduated the eighth grade, my grammar was so horrible I don't know how I graduated. And without a proper program of training children with bilingual education, you cannot get into the mainstream of American life.

DR. KROMKOWSKI. While that dimension of the equation is very important—and I endorse that, and the center endorses the notion that there are particular needs that are met by bilingual education—it seems to me that we have caught ourselves in a situation that provokes negative responses to the situation because of the way we frame the issue.

What I am proposing is that we see languages as a natural resource, that it's not bilingual; it's having second and third linguistic competencies because we live in an interdependent world. That is, there is a whole range of resources that are part of the American reality that we need for a whole range of items that are a part of the international economy.

But more than that, on the Hill a genocide treaty was passed. We finally agreed, after all of these years, that the destruction of people and cultures was a violation of the U.N. Charter, and we agreed to that.

And when we begin to destroy cultures in this country, as we did to the German American culture and the German language, to a whole range of other language resources that were Americanized so-called in the twenties, then we have not only missed a major positive point, but we have allowed ourselves to be drawn into a debate that is framed by racist nativists who are perpetuating a very vile dimension of the English tradition. And I don't want to have anything to do with it. And I also resent—and I know all Eastern Europeans resent—being called Anglo.

COMMISSIONER BUCKLEY. My husband is Irish and he agrees with you.

Mr. Ramer.

MR. RAMER. May I just make three brief points? One is in the area of methodology of bilingual education. I'm certainly not competent to speak to the merits of the system of teaching of it. The goals are important. But whether it's an immersion system, whether it's teaching primarily in English with resource available in the second language of the students, or reversing it and teaching principally in the second language and having English available, I'd like to suggest that, in conjunction with other appropriate agencies, the Commission might look into whether there is a methodology which floats to the surface and should be a recommended methodology.

The second point I would like to make—and this is consistent with, I think, what the others have said—is that certainly no school program and no governmental agency should do anything which denigrates the home language. Indeed, not only is that a cohesive factor in the communities that the students and their parents come from, but it is also a valuable asset.

A final point, if I may, and that is that public agencies dealing with issues of safety, such as street signs, such as calling in on 911, or civic participation such as ballots, should also provide a second language where it's necessary in the particular community. I think that's part of bilingual education. In other words, I construe bilingual education as more than just the technical teaching in the schools but a broader community aspect of teaching and of preserving language.

MR. WEBB. May I make a comment?

COMMISSIONER BUCKLEY. Yes, sir.

MR. WEBB. I would just like to comment that I think it is very important that we keep the languages of the people that come to America, which is a melting pot. I would just like to call to everyone's attention the example of the Afro-American, the deletion of the language and of the culture, and likewise the American Indian. But I would just like to point out that we need to keep the culture of the people who live here in America and their languages.

Thank you.

VICE CHAIRMAN FRIEDMAN. Chairman Allen, do you wish to ask any questions?

CHAIRMAN ALLEN. I pass.

VICE CHAIRMAN FRIEDMAN. Bob Destro.

COMMISSIONER DESTRO. I'd like to ask the panel generally to address what I heard as the underlying question that Dr. Kromkowski raised, which is the way that we phrase questions and the way we define issues, because that really is going to be the focus, in effect, of our third forum, which is in the planning stages at this point.

Listening not only to his testimony but also to the others—Mr. Lai, for example, pointed out that whatever ethnicity the construction workers were, they had no appreciation for the difference between a Chinese American and a Japanese American—that when we talk about black Americans, we have no appreciation for the diverse ethnic and cultural backgrounds that they come from; that to speak of Hispanics as a lump presupposes that Puerto Ricans and Cubans and South Americans and Spaniards all come from precisely the same cultural and ethnic backgrounds.

Those of us who study that know that they don't. The difficulty is that the government, in formulating its policies, whether it's census questions, data gathering at the EEOC, and other ways in which we talk about civil rights problems, either as black-white problems or as brown-white problems, or when I asked one of the border guards down in Laredo, "Who are you looking for down here?" he said, "We're looking for Mexicans."

I said, "You're not looking for illegal Poles or illegal Japanese?"

He said, "No, no, we're looking for Mexicans."

So in his view, the problem was a Mexican problem.

How do you think, in terms of not only working with us but in defining the questions for later discussion, we can get to this question of appreciating differences and show that the government itself, in the way it collects data and other things, has an appreciation for those differences? Because the government tends to look at things in big categories, kind of at the national-level categories, and those have political implications to them. How do you suggest that we start to get around that or start to deal with that?

It's a very broad question, I understand, but nonetheless it affects everything. You can't bring a national origin discrimination question if there is no statistics of disproportionate impact.

So would you care to address the question of how we get the government to appreciate those differences a bit more?

Mr. Webb. I'd like to start.

Commissioner Destro. Mr. Webb.

Mr. Webb. It may sound like a simple solution, but first of all equality of all peoples is what is necessary. The Asian is talking about the inequities that are happening to them; the Afro-American is speaking the same way; the Hispanic American is speaking the same way.

What we want is inclusion. We want to be a part of everything that there is. We want to be able to be a part of everything. So if the national government is looking to address the issues, then they need to allow for everyone to be included into the system, and that would end the problem of the Native American, the Afro-American, the Asian American, because all would be included. And then we would come up with some other problems that we would have to address.

But I'm saying, first of all, the main problem here when we talk about discrimination is that we are excluded, and we are excluded on a basis that someone, as this young lady said, has put the criteria to. Let's get rid of that criteria, and let's allow for everyone to be included in this system.

So that is what I would say. It would be not the simple solution, because it would be a hard task that we are working on to come together with a program that would do that. But I'm saying, very simply, let's drop all the rigmarole and go right to the fact that you're included; you're included, and you are able to apply and be a part of everything that happens.

Thank you.

COMMISSIONER DESTRO. Mr. Lai.

MR. LAI. I would like to comment on that. We've been working on this, and I think we have some experience regarding why we are discriminated against.

I think the primary reason is education. If a person does not understand who you are, they are going to think all kinds of things. And education comes from home, from school, from textbooks, from the media, from newspapers, from books of all kinds. If we can suggest or regiment them through the law, that those are people, they have to understand; they make the mosaic of America, and they are your neighbor, they are your partner. When it comes to war, they are fighting side by side with you. When it comes to pay taxes, they pay taxes. But if we do not educate people that there are no differences—I mean in civil rights, you have to respect each other—if you don't teach them.

A shining example is that I have a friend in Ohio that is a mixed marriage, and she is a Chinese and as white as everything. When she went to Akron, Ohio, and went to a grocery store, a little 5-year-old kid—less than 5 years old—came in front of her and used his hand and put it right on his eye and pulled it back and made those kinds of gestures. Who taught that child to do that? She is not born with that. Someone has to teach her. It's the society. It's the family.

So those are the areas that the civil rights has to investigate, how we can get to those kids, to teach a new generation so we don't have to have these kinds of obstacles and confrontations.

Commissioner Destro. I'm certainly sorry to hear that that happened in my own home town.

But there is a more serious problem, I think, too, and your response would be appreciated, to the extent that we understand differences—at least my own view of this has been that sometimes we do appreciate the differences, and policy says we don't like them and so we are going to wipe them out. That's part of the problem with bilingual education, that it is seen as a threat; the differences are seen as threats.

And that is something that I'm not quite sure that we've really—if there is some way you can help us to frame questions to get at that—I'm not sure that black folks are necessarily excluded because they are just excluded, but because the people see the differences and don't like them. That's where the real racists are. They see the differences and they don't like them. How do we get around that? How you deal with those questions?

Ms. Rosenthal. May I address that? This actually goes back to your previous question, and perhaps what you just asked. I'm not sure I can address the question of how to sensitize the Federal Government into appreciating differences to a greater extent, but I want to reiterate something that I discussed during my presentation, and that is this project that the Anti-Defamation League has undertaken, along with other civil rights organizations, which is "A World of Difference."

It sort of goes to what you were just bringing up because the real focus is the community and schools, and it also follows up on what the gentleman just said earlier. Basically, the program allows for students to put themselves in various cultural contexts so that they can learn about the similarities between different ethnicities and races and creeds, and also to appreciate the differences.

As I said, it's focused on the community and the schools, and in conjunction with that are prejudice reduction programs in the schools. I think if you start with our educational system, hopefully it will have a ripple effect.

As I said, I'm not sure that this is the solution to sensitizing the government to appreciating differences, but you can start with school children and give them this context.

Vice Chairman Friedman. Time is running out on us. First, Mr. Chan has a question.

Commissioner Chan. Ladies and gentlemen, I have heard the panelists inform me about the Jewish American problem, also concerning the Chinese American problems and the black people's problems, and I am deeply concerned. Actually, you people brought up a broad spectrum of problems, and some of them are very old. It seems to me some of them we have to treat specifically. For instance, some of the cases involved something above police problems, and some of them are long term hidden.

Take, for instance, discrimination about employment as was mentioned, and I suggest that all of us should build up a case, so to speak, and according to what I understood from all the complaints we should establish a case and then mail it to our General Counsel in the Washington, D.C., office to establish a case. Now, when the cases have accumulated, so many of them, that gives us more bullets to fight the war, so to speak.

Now, of course, we are all here to fight for our civil rights. But then how to do it, that's a different approach. And as far as the Commission is concerned, our job is to accumulate the information, study it, and clarify it and present it to the Congress.

Meanwhile, I think there may be a small solution to some of the problems. Take Mr. Lai, for instance. To prevent a case like Vincent Chin, I think some of the cases we could treat more timely to prevent the particular problem getting any deeper.

The same approach could be applied on the discrimination in employment. And if we can see where the bottleneck is, then we can go over and expend that bottleneck.

This is my first day as a Commissioner here, but it is my gut feeling that I'm in sympathy with you, and I'm really deeply concerned about all this.

Thank you.

VICE CHAIRMAN FRIEDMAN. Susan.

MS. PRADO. I'm sorry that the lady from MALDEF had to leave the table, but let me just direct my question to whomever will answer it.

Recently, we conducted a community forum in Florida. The Florida State Advisory Committee conducted it. And I am interested in something that I'm stating I heard from people at that forum, so those of you who are familiar with the situation can educate me, and that's really what I'm after.

Basically, we went down to conduct a forum in police-community relations, and for the most part it was people in the black community that had asked us to come down. However, between the lines and in conversations off the record, what emerged was something else, and that was that we heard a lot about rising tensions between Hispanics and blacks in Miami, and basically we were being told that the Cuban community really controls the economy in Miami, and that they required Spanish-speaking applicants for jobs, and the black people who were conveying this to us, basically off the record, were terribly concerned.

In fact, I got terribly concerned because I felt there was a great deal of tension rising just below the surface in the community, certainly what was presented to us. That was not a problem I was aware of, and I wonder if those of you who are familiar with a language problem in a different aspect—in other words, that there was resentment, particularly in the black community, that they were being required to speak Spanish in order to get jobs, or just to cope in what they considered their town; and that they also had trouble dealing with Hispanic police officers coming into their communities.

I wonder if those of you who are familiar with that situation could comment on that for me, and what is being done to resolve it if it is a problem.

Ms. EUBANKS. I'm familiar with that. In resolving that, a lot of departments have started to do the sensitizing of their officers. It would be only common sense to send in a person requiring a certain language with an officer with that same home language. With the tensions between the two groups, I see that more as a regional, maybe just a city problem, but I don't see that across other cities and counties.

I don't know if MALDEF wanted to address that.

Ms. HERNANDEZ. I apologize, but I didn't hear the question.

Ms. PRADO. I know you had to be called away. Just very quickly, I was recounting that recently the State Advisory Committee of the Commission in Florida had a hearing on police-community relations, and the large part of what came out surprised me, and that was that there seemed to be a very intense growing tension between the black community and the Cuban community over language disparities and economic resentments, that they felt the Cubans had the economic power and required Spanish language for jobs in their community that then blacks couldn't get, and also they felt there was tension between Cubans on the police force in the black community.

I just wondered if this is a correct perception in terms of what I heard and, if so, what you are aware of and what's being done about it.

Ms. HERNANDEZ. I must state that I have heard of it, but I am not familiar with the Miami situation. That is a very tense situation that has a lot of deep-rooted problems behind it.

I will say that in other urban jurisdictions attempts are made to communicate with the other minority groups, and here in Los Angeles and in other jurisdictions, where there is a sense of communication within the leadership. The tensions, the economic sort of tensions as to who gets what, are there, and there are attempts to try to remedy it by discussing and talking about these tensions.

I don't believe I know of any other jurisdiction or urban area that has the intensity of the conflict as the Miami area.

MR. RAMER. Commissioner, may I just add one footnote to that, based on the Los Angeles experience?

Some years ago a joint task force of the American Jewish Committee, the Urban League, and the National Conference of Christians and Jews undertook a study, actually resulting from what had happened in Watts, then 20 years before, to see what the current state was. What came out of that in terms of police-community relations, which is the only aspect of your question I'd like to comment upon, is that the police academy, in discussions with AJC and its related groups, agreed to institute as part of its training schedule a course dealing with intergroup relations and the tensions that come out of different ethnic communities and their interfacing.

That's been going on for some years. Neal Sandburg of AJC has been very active in it. And the result has been exemplary. The police like it and favor it and think it does good, and the community seems to appreciate it. So that is one small answer to begin to solve those kinds of problems vis-a-vis police-community relations.

VICE CHAIRMAN FRIEDMAN. Let me take just one more response, and then we must wrap it up.

MR. WEBB. The thing that has happened recently in the east of Los Angeles in the Pomona area with police oversight and trying to put together police commissions that would address that problem—you have diverse populations in the city, and you have police insensitivity to the customs, to the language, to the needs of each one of those groups. As the gentleman on the end said, one thing that was put together was a course at the Cal Poly University that the police would be required to take and that would help to sensitize them to the needs.

And the language—you call a guy a nigger, you call an Asian a gook—what do you mean when you call him this? How does that offend? How are you religiously offending this person? How are you offending his culture? So that needs to happen.

One quick word on maybe some of the problems between the Afro-Americans in Miami and the Cubans. You have to understand some things—where the power structure comes from, who controls the economics there. We have to look at legitimate businesses; we have to look at illegitimate businesses. We have to look at who has the money; we have to look at, as I say, what we call the new minority, that people are displaced. The jobs that they had, the service jobs, are gone. Then the money that is coming in or the resources that are coming in, are they legitimate and who controls that? So, therefore, it creates quite a different problem.

VICE CHAIRMAN FRIEDMAN. I just want to express our deep appreciation to all of you. Some of you have come great distances to be with us here and to share with us your thoughts. We are most grateful to you.

Your statements are already part of the record and will give us a great deal of food for thought, and hopefully for publication in the coming year. So, again, many, many thanks for your helpfulness.

We will reconvene at 4 o'clock for the next session of our program.

[Recess.]

The Effects of Changing Demographics: An Urban View

CHAIRMAN ALLEN. Good afternoon.

I would like to call Janice Dembo, the Honorable Grace Davis, and the Honorable Rich Castro to come forward and take their places.

COMMISSIONER DESTRO. We'd like to bring the presentations back to order now. The next speaker is Ms. Janice Dembo, who is representing the Honorable Arthur Eggleton of the City of Toronto. She is the coordinator of the Toronto Mayor's Committee on Community and Race Relations, and we welcome her as a representative of another government that has a slightly different system, and look forward to hearing what you have to say.

One of the questions that we had from our own media yesterday is: Why do you have someone from Toronto to come and talk about changing demographics in an ethnically diverse society? I suppose I'll start your comments out with that question for you. So why don't you tell us what you do in Toronto, and we are very happy to have you here.

Statement of Janice Dembo, Coordinator, Toronto Mayor's Committee on Community and Race Relations, Toronto

MS. DEMBO. I'd be delighted to.

Good afternoon, members of the Commission, and ladies and gentlemen. On behalf of the Mayor of Toronto, Arthur Eggleton, and the Toronto Mayor's Committee on Community and Race Relations, I am delighted and honored to be with you this afternoon to discuss with you the role of the Toronto Mayor's Committee on Community and Race Relations and how Toronto is meeting the challenge of serving its many minority communities, and to explain to you why Toronto is different from other North American cities.

I would like to give you a little bit of background about Toronto. Toronto is Canada's largest city, and it has a population in the census metropolitan area of 3.4 million people. Toronto is one of the wealthiest cities in North America. A third of all newcomers to Canada choose to settle in Toronto. Eighty-five different languages are spoken in Toronto, and more than 100 minority groups live there.

The preliminary analysis of the 1986 census has shown that, with metropolitan Toronto, the people of solely British origin have declined by almost 20 percent, which means that a higher percentage of us have ethnic and aboriginal origins. The 968,190 people of British ancestry now account for only 28.5 percent of the area's total population, which contrasts with the prewar period when almost 70 percent of the population claimed British origins and English as a first language.

Well, if we are not British, what are we? Statistics Canada tells us that we are literally a global village of people. The top 10 of us, including the British, are: Italians, at 292,000 or 8.6 percent; Chinese at 126,000 or 3.7 percent; Jewish, 109,000 or 3.2 percent; South Asian, 106,000 or 3.1 percent; Portuguese, 98,000 or 2.9 percent; blacks, which excludes African and Caribbean people who were surveyed in other categories, 90,000 or 2.6 percent; German, 73,000 or 2.1 percent; French, 65,000 or 1.9 percent; and Greek, 62,000 or 1.8 percent.

The percentage of visible minority population—that is, racial minorities—is estimated to be between 15 and 20 percent. So, as you can see, there is no real majority group within our population.

Because the population of Toronto was dominantly British for most of its history, the city, in the words of our mayor, "has retained the British traditions of civility and tolerance." Those traditions have been reinforced by the influx of large numbers of immigrants from Commonwealth countries. The result is that, while immigrants to Canada are encouraged through the Canadian policy of multiculturalism to retain their cultures, they have adapted to and taken on a Canadian identity and culture as well.

Toronto's racial and ethnic diversity makes for a dynamic, vibrant, and vigorous society. The city's varied population enriches schools, work places, and neighborhoods. In spite of this positive impact, racial and ethnic groups still experience prejudice and unfair treatment to a certain extent. The challenge for the city is to meet this diversity with respect to the provision of goods and services, accommodation, and employment.

Before going on to describe how the city of Toronto is attempting to meet this challenge, I would just like to tell you a little about the national social programs and the role of the Toronto Mayor's Committee on Community and Race Relations and its mandate.

Canada has national social programs which benefit new immigrants, such as government-funded health care, the baby bonus or child allowance for every child under the age of 18 years, and English as a second language classes. In addition, should immigrants run into financial problems, we do have a welfare system for which they are eligible. The federal government funds community ethnospecific counseling services for new immigrants during their first 2 years in Canada, and the provincial government operates newcomer service offices to assist immigrants.

The Toronto Mayor's Committee on Community and Race Relations was established in 1981 by Toronto City Council, at the initiative of Mayor Art Eggleton. It is composed of 15 members, 13 of whom are citizen members. Members are chosen based on their ability to represent all persons and their knowledge of human rights, employment equity, and multiculturalism, not upon their ethnic and racial background. The committee does not have members who represent a particular constituency or institution. If we did, we'd be a congress of more than 100 members. Members are expected to be objective and to be able to deliberate on any issue, including those that impinge upon their own group.

This committee is the only citizen committee that the mayor personally chairs. There is no doubt that his chairing of the committee sends out a very clear message to the citizenry, that our mayor revels in the city's multicultural diversity, but at the same time abhors racial, ethnic, or religious intolerance and is prepared to act in order to ensure good race relations and equity within our city.

The committee seeks to promote understanding and a respect among racial, cultural, and ethnic and religious and community groups in the city, and furthermore, it seeks solutions to problems concerning the citizens of the city, with a view towards providing an environment in which each citizen has an equal opportunity to grow to his or her maximum potential. The committee also has a very broad responsibility to help combat racism and other activities which may lead to intergroup tension and conflict in the city. The committee actively attempts to further the letter and spirit of and, where feasible, to work to strengthen all federal and provincial human rights legislation, wherever it affects or relates to the corporation of the city of Toronto and its agencies.

The committee monitors the effectiveness of the delivery of city services to minority groups and advises city council and city departments on a wide variety of issues, ranging from human rights and policing to matters of cultural affairs and employment.

The aims of the committee, you can see, are very straightforward. Our role is to try and facilitate, through moral suasion, advocacy, commitment, and action, good race relations within the city of Toronto. The committee wants every citizen to live and work in a city which recognizes the value of diversity, the value of being part of a multicultural, multiracial, multilingual environment. We want our citizens to live in a city which believes that each citizen has a right to equity, to have equal access to housing and equal access to goods, services, and employment.

What does this involve? It involves a continuous advocacy process. It involves, for example, pressing the civic service at city hall to be more responsive to the needs of its citizens, pressing the city of Toronto to play a leading role in the implementation of employment equity. This sort of work requires vigilance and research on a continuous basis. It involves listening to individuals and communities and talking to officials and politicians.

The bulk of the issues that come before this committee have come through the community participation process. Every month many deputants from the communities come before our committee, and I meet regularly with community representatives. At these meetings, community representatives are able to air their grievances and witness immediate action from the committee in most instances.

In addition, the committee has been vigorously proactive in consulting with the communities to see what their needs are. In fulfilling its mandate, the committee has addressed numerous issues since its inception in 1981. The bulk of its work, however, has been in the areas of employment equity, accessibility, education, and matters to do with the Metropolitan Toronto Police Force and its interaction with communities and hiring policies. Amongst the other areas covered have been credentialism in admission to trades and professions, including internships for foreign medical graduates, appointments to city boards and commissions, legal aid clinics for ethnic communities, hiring of minority youth, media coverage, immigration, and refugee matters.

Since its inception, the committee has had an exceptional opportunity to see the effects of social and economic inequality at first hand, through the many projects and activities that we have undertaken.

One of our major projects, and one which is generally recognized by the communities as being something of a success story, began in 1984 when the committee began a consultation process. In the fall of 1984, because of the numerous complaints from various communities of the city of Toronto that services were not geared to people whose first language is not English, or who are members of the visible minority communities, the committee decided to hold what we called "listening sessions" with the various communities. The sessions were designed to hear from the communities about those areas which impact upon their lives.

Discussions were held with the Chinese, black, South Asian, Filipino, Portuguese, and Southeast Asian communities. These sessions were attended by representatives of city departments, which provided services to the community. In most cases they were department heads, in fact. The committee heard the same thing over and over again at these sessions, about the inadequate service delivery, the employment discrimination that they saw. These communities saw themselves as being external to the operation of city hall and unempowered to effectively challenge the status quo. The input from the communities led the committee to making more than 30 recommendations to city council, which council approved and established an interdepartmental implementation committee to follow through on these recommendations.

Numerous meetings between the coordinator of the committee and senior members of city departments resulted in city council, in January 1987, approving a multicultural policy and an implementation strategy, which included the hiring of a multicultural consultant to assist the departments in developing and implementing a multicultural access program.

As a provider of public services, the city has recognized its obligations to make its services available to racial and ethnic groups. This responsibility includes facilitating access to services by removing barriers that may be caused by organizational complexity, language difference, or discrimination. In order to increase access to its services in a racially and ethnically diverse community, city departments have been required to monitor changing community needs and adapt their programs to better meet these needs within available resources.

City council's objectives are to increase the extent to which the work force and city departments reflect the racial and ethnic make-up of Toronto's population, to promote city employees' awareness of cultural and linguistic, religious, and other factors which should be taken into account for the appropriate delivery of public services, to ensure that they do not present discriminatory barriers to racial and ethnic groups.

At the same time that the committee consulted the communities in 1984, it became evident that most of the communities had serious concerns about the workings of other levels of government. In 1984 the city council expanded the committee's mandate to include advocacy to other levels of government regarding issues which affected the citizens of the city who were members of racial and ethnic communities.

The committee meets regularly with ministers of both the federal and provincial governments. It has sent briefs to the Canadian Senate, whose endorsement is required before laws are enacted by the Canadian Parliament, on a variety of important matters related to the committee's mandate. These include a brief on the proposed amendments to the Immigration Act to establish stringent new rules and procedures respecting the admission of refugees into Canada. City council endorsed the committee's position that the proposed rules and procedures were harsh and unfair, constituting a radical, unjustified, and perhaps constitutionally invalid change from Canada's humanitarian traditions.

We have an employment equity or equal opportunity program at the city of Toronto, and we are doing a number of things to increase the hiring of target groups, which are women, the disabled, visible minorities, and we are now adding aboriginal peoples to this group in 1989. We also have a contract compliance program which applies to $1.5 billion annually of business.

I think what you'd be interested to know about—and maybe I'll read that section—is what is happening with the police. Although the Metropolitan Toronto Police Force is not directly within the jurisdiction of the city of Toronto, as it is a regional force, I am able to inform you of its efforts, particularly as the mayor's committee has advocated for many of the programs which have been undertaken by the police force with respect to employment equity and sensitivity training of the force regarding its dealings with the racial and ethnic minorities.

In 1984 the Metropolitan Toronto Police Force commissioned a management consultant firm to undertake a comprehensive review of the Metropolitan Toronto Force's recruitment selection system and to make recommendations for changing them. In January 1986 the board of commissioners of police accepted the consultant's recommendations and agreed to an action plan for implementation. As part of that action plan, a new outreach recruitment strategy was adopted.

The results in 1987 for the established goals for representation of women, visible minorities, and the disabled have not only been met by the police force but surpassed. Female representation in the uniformed ranks has increased from 3.9

percent in October 1986 to 5.3 percent by December of 1987. Visible minority representation has increased to 3.5 percent from 3 percent on October 10, 1986.

These increases are the results of concentrated recruitment efforts that work in conjunction with an objective and fair selection system. Goals for 1988 have been adjusted to reflect 1987 accomplishments, and given the anticipated recruitment level for 1988, it is projected that by the end of the year female representation, in a force of 5,500 persons, will be 6 percent and visible minority representation 4 percent. The monitoring of the process will continue, facilitated greatly in 1988 by the implementation of the computerized applicant tracking system.

Citizen recruitment endeavors must be complemented by training programs to ensure the existence of an environment that fosters success on the job. The steps taken in 1987 to establish a comprehensive cross-cultural human rights and race relations training program will intensify in 1988 with the introduction of a new workshop that will reach every member of the force. In addition, revisions to a number of existing courses will be made to incorporate elements of cross-cultural, human rights, and race relations training. These training initiatives will become vital components of the employment equity program.

The Metropolitan Toronto Police Force is constantly striving to be aware of the problems faced by today's society and established in the early 1970s an ethnic relations unit to cope with the changing needs of the city's many different ethnic groups. Police officers of the ethnic relations unit come from numerous cultural and ethnic backgrounds. These officers speak numerous languages and are representative of our multilingual and multicultural city. In addition, they are familiar with the many customs and traditions of new immigrants and have an understanding of some of the problems they face. To remove the barriers created by mistrust and fear that sometimes occur between the police and the community, ethnic officers meet regularly with members of metro Toronto's ethnic groups to establish and maintain communication.

A total of 51 languages are spoken by members of the Metropolitan Toronto Police Force. In cooperation with the media, ethnic officers assist in producing a variety of public service messages for radio, television, and the press on police-community related topics. Officers also broadcast in several languages on radio and television programs to promote awareness of the many services provided by the force.

Despite all of these efforts on the part of our police force, we are currently facing a crisis situation in relations between the black community and the police following the shooting of a black disabled man. The incident occurred when four police officers responded to a call that a man with a knife was holed up with a hostage in an attic. Information that has been released to date indicates that one of the police officers feared for the safety of another officer and shot the man. The case is still under investigation by the Ontario Provincial Police Force as well as the public complaints commission, which is a civilian body which has the power to investigate police misconduct.

The black community is upset over this shooting and has been protesting by way of marches and public meetings, and has been pressing for an independent investigation in addition to the above. This tragic incident indicates that, although many improvements have occurred in relationships between the black community and the police, the health of the relationship remains fragile and will require much more attention by all interested parties.

So, as you can see, although as a city we are taking numerous steps to address discrimination and prejudice and to sensitize our work forces to a multiracial and multiethnic society, setbacks such as this shooting do occur. However, although problems will inevitably arise from time to time in a city as culturally diverse as Toronto, we will continue to be innovative and positive in our efforts to serve our ever-changing population.

COMMISSIONER DESTRO. Thank you very much. We'll be coming back with some questions, I'm sure.

Our next witness is the Honorable Grace Davis, who was with us this morning, the deputy mayor of the city of Los Angeles. We welcome you back and look forward to hearing what you have to say to us.

Statement of Grace Davis, Deputy Mayor, City of Los Angeles

MS. DAVIS. Thank you very much.

In the interests of time, I'm going to just read portions of this, since you all have copies of it, just for emphasis, and then I'll try in my own words to share some of the other things besides the internal workings and so on.

As is true throughout the West and Southwest, there have been major demographic changes in the city of Los Angeles. The 1980 census recorded the minority population at 51 percent, and according to its latest estimates, it continues to grow, particularly with respect to the Hispanic and the Asian populations.

As an employer, the city of Los Angeles has always tried to be responsive to the community it serves. We have tried to be a model employer by adopting programs which would expand the pool of qualified job candidates and provide them with an equal opportunity to compete for jobs which would enable them to be productive members of our work force. Accordingly, great strides have been made within the city of Los Angeles in the area of minority employment. A formal commitment to affirmative action and equal employment opportunity was made by the city of Los Angeles in 1973.

When we first came in there, the former mayor had just presented the policy statement to the council, and it was about six pages long. Our administration took it over and established a task force within the city. There are associations within the city for each of the ethnic groups. They themselves, you know, have come together and formed these. We have an Asian employee, Hispanic, and so on. What we have on the task force is representation from each of those groups, in addition to the personnel department, the mayor's office, the city attorney's office, and some of the other administrative elements that are necessary to do the work.

The personnel department is the one that is really in charge of doing all the actual audits, if you will, of the departments, and they work with individual managers and their personnel sections in reviewing the work force of each department. We have done this by category—professional, administrative, and so on. What they do is help them identify, obviously, all of the representation across those categories.

We then also look at the kind of training they are providing some of the entry-level and lower-level categories in the departments, and assist them in helping not only to bring people into the entry levels but to also allow the mobility within the department of the minorities. We have done this by doing things like bridge classes, in which we allow bridging between, say, for instance, the clerical and paraprofessionals and so on, and many of our clerical people have been going. In fact, we have people at very high levels who started this way.

By the way, to show you the dedication in terms of the task force, our meetings are all at 7 o'clock in the morning.

COMMISSIONER DESTRO. That is dedication.

MS. DAVIS. Yes, that is dedication. And what we do is actually we meet frequently about once a year when we are actually reviewing each department's goals and timetables and so on.

We also involve the commission of each of the departments to become aware of the objectives for the departments. We assist them in developing training programs for the various levels and so on, so that we realize it's not just a question of bringing the new people into the work force.

As you saw in here, we do have two consent decrees, one for the fire department and one for the police department. We are doing, I think, very well in both of those categories, and I know that in spite of the fact there was much resistance from the departments, now that they are into it, they are committed to the objectives, and they are doing very well in the recruitment area, and the retention which, particularly in the fire department with women—as you know, that has been a very difficult area, but they have extended themselves to providing training starting in the high schools. We have special classes in the high schools to have the women who are interested to begin to develop the physical capabilities that they need, in addition to other skills, and we're being very successful in that.

Particularly, I think, in the case of women, we have had very strong programs in terms of the harassment issues, the sexual harassment issues. The mayor has established very strong policies very recently and has personally met with all the general managers and reviewed policies with them because we were continuing to get many different kinds of complaints from them.

In terms of women, we have also introduced a number of programs to assist them. Child care—by the way, that was my first assignment when I came to Tom Bradley in 1973, and we are finally realizing child care. We are having two different centers, one that we're going to share with the Federal agencies across the street from us and the other one that we will be sharing with the community in another location here and downtown.

We also have flex hours for women or any other employee where they are allowed to adjust so they can be with their children, take them to school, and go back. We have different hours in which people can work 10 hours a day instead of 8 hours so that they have an extra day off on the weekend or every 2 weeks and so on. We have shared positions, particularly for women who are wanting to go to school, or men who want to go to school and work, and we have positions that are being shared. So we are providing many, many opportunities that we find.

The difficulty, particularly to get them interested in promotions, is to get them to take that extra education. By the way, we have classes right in city hall after work. We have the colleges that come into city hall and teach classes on administration, supervision, and management, so that also coincides with the kinds of requirements for promotions and all.

I think that we probably have one of the strongest affirmative action programs in any of the cities that I have seen, and

I have compared it with many other cities. Again, it's the kind of commitment and the dedication. We have had to convince management that they are part of the policies that have been established in the city. We have done a lot of training. We have had to have one-on-one discussions with many people. But we still have a long way to go, and you have the statistics in terms of the improvement.

In terms of the community, because this is not just the fact that we look good ourselves, we are concerned about the civil rights of all people who reside within the parameters of the city of Los Angeles. To that extent we have a number of advisory groups that we work with.

First of all, within our own staff, we have representation of the various segments of the community so that we have people who go out into the community and work with the various ethnic community organizations to be responsive to their needs, to make them aware of the services of the city, not just the mayor's office but the departments. We have bonus pay for people who speak the languages and are able to be responsive on the telephone, at the counters, and so on. We have materials that are translated in a variety of languages and so on.

We are very aware of the immigration to the city of Los Angeles, and we have worked with the immigration department. In fact, we are very successful in helping them facilitate or get the permits they needed in terms of opening up the offices for the legalization programs and so on.

But I think also, more than that, we have made ourselves available within the city. Many of the employees have volunteered to become counselors and to assist other organizations in many of these programs.

We have a refugee committee that works with the refugee communities that live here in Los Angeles. While we know that they have many legal restrictions as far as their own status and what have you, we still realize that they are entitled to the services that we provide, so we do communicate with them. And we have several problems that I'm sure you have been aware of. One is that since they can't work because of legalization, they take to the streets to try to sell all kinds of items, and of course we have restrictions about that, and I'm working very closely with some of the council members. We're thinking in terms of maybe having some kind of swap meet areas where they can legally go and probably sell.

Also, we have a problem with the employers who pick up day laborers on corners. Again, although we have done a little bit of a survey, we find that there are many legal people who are part of that, so we don't want the discrimination to affect either group.

So, again, we are looking to possibly the establishment of hiring halls that were very common in the early days of the labor movement. We haven't discussed it with labor. They may take exception to it. But I think we can probably get them to participate in this because, again, we have to make sure that new people who come here become aware of our laws and are able to function within the laws to the extent possible.

I think that we have been fairly fortunate in the relationships that we have with the various ethnic groups that reside within Los Angeles. Our city schools have over 80 and maybe more languages that are spoken by the children who attend the schools. That gives you an idea of the diversity of the people who live here.

We have very outstanding communities in terms of the Japanese, the Chinese, and Korean communities. Unfortunately, east Los Angeles, which is thought of as Hispanic, and south central as the black, are generally thought of as the areas where gangs promote their activities. So we have to constantly work to try to enrich the cultures of those communities so they can also be projected in a positive way.

But I think that we have very good race relations here in Los Angeles. Certainly, we have individual instances that arise every once in a while, but again we have a close working relationship with the State in terms of the agencies that are responsive to discrimination.

We have, as was mentioned here, our own structure within each department and within the city when we have other complaints that are filed against the city and so on.

So we certainly realize we have made great strides in the years that we have been in office, but we recognize that there are many areas that still need to be addressed, possibly different interpretations of the way we have addressed these issues in the past, but we certainly are committed to ensuring that we protect the civil rights of the people who live in the city of Los Angeles.

Thank you.

COMMISSIONER DESTRO. Thank you very much.

Our next speaker is Mr. Rich Castro who is representing the Honorable Federico Pena of Denver. He is the executive director of the Agency of Human Rights and Community Relations for the City of Denver.

Welcome, and we look forward to hearing from you.

Statement of Rich Castro, Executive Director,
Agency for Human Rights and Community Relations, City of Denver

MR. CASTRO. Thank you very much. In the interests of time, I, too, have presented the Commission with written testimony. I will not read all of the testimony. I know the hour is late, and I know you want to allow for some questions and answers.

I do want to, first of all, indicate it is a real pleasure to be here. Our mayor could not attend, so I was asked in his stead that I represent him. I run what is called the Agency for Human Rights and Community Relations for the City and County of Denver.

I have been asked to address the effects of changing demographics with an urban view. Before I do that, I'd be remiss if I didn't interject a couple of major concerns that I personally have and that our mayor has conveyed to the public that he has as well.

This whole topic—and I will not try to be redundant; one of the disadvantages of coming on so late is that much of what I wanted to say has been mentioned many times.

CHAIRMAN ALLEN. It hasn't bothered anyone else.

MR. CASTRO. It hasn't stopped anyone else, so I will want to make a couple of comments.

One of the main points I wanted to make—and it has been reiterated time and time again by others very eloquently before me—is the growing number of Hispanics in this region. I am particularly grateful that you have come out to Los Angeles, an area that is experiencing major demographic changes. I think it is in the spirit of the Commission that you're coming out to the various regions. I think previous speakers have alluded to the idea that we need to take a look at some of the regional differences that we have in this country, and certainly the Southwest has some very unique regional differences.

We are seeing a major shift, if you will, in population. Many people have talked about the growing Hispanic numbers. But I think if you look at the Southwest in a regional sense as well, much of the growth that is going on in the Southwest, population growth, is because many people coming from the eastern rust belt States are migrating into the Southwest, and given the high immigration and the history of the Southwest with Hispanics, we're seeing some demographic changes there that have some political implications as well as economic implications. So your visit here I think, is most timely in the Los Angeles community.

Colorado—and I don't want to go into a lot of statistics; I want to indicate that many of the demographic changes that we are seeing throughout the Nation are also evident in the

State of Colorado with respect to Hispanics, in terms of growth and in terms of economic and political participation.

I thought one thing that might be of interest when we talk about demographics from an urban context—and I'm shifting quite a bit here because I know the time is late—but the 1990 U.S. census—it's hard to talk about demographics without talking about the Census Bureau, obviously. I think one of the things we are going to see is a trend, and we are already seeing it, challenges by certain groups. At a time when the Census Bureau and certainly minority groups in this country recognize the value of a complete count, there are certain forces that are attempting to, I wouldn't say try to see less than a complete count but are putting some stumbling blocks in the way of a complete count. What I'm making reference to are organizations such as FAIR that are talking about trying to identify undocumented people in our nation in that count.

When we recognize the fact that there is already an undercount of Hispanics in this nation, to suggest that the Census Bureau somehow is going to perform an immigration philosophy or role, I think it would only contribute to an undercount. So when we're talking about trends here, I hope that the Commission would look at that fact, that we have a Constitution, and in the U.S. Constitution it speaks about the fact that all residents of our country would be counted every 10 years.

So there will be major challenges in ensuing months. Several States have already issued challenges in that regard. I think it has major civil rights implications. The reason that I say that and suggest that is I served on the 1981 Colorado Reapportionment Commission when I was in the legislature. I was one of 11 members. This committee, I know, doesn't need a lecture on reapportionment and the gerrymandering and the long history of exclusion that has taken place in our country, but thanks to the U.S. Voting Rights Act, blacks were enfranchised in 1964 in record numbers. Ten years later when the act was reauthorized, those extensions were brought into the Southwest. And as a result, in 1974, there were only 1,500 elected officials with Spanish surnames; a little over 10 years later, we find now over 3,000.

So when we're talking about how do we encompass people, the question by Commissioner Destro, how do we involve people at the Federal level, certainly through the U.S. Voting Rights Act that Dr. King was so instrumental in pushing and promoting, we are embracing ethnic groups in record numbers through political participation. We need to reinforce the Voting Rights Act.

Comments were made about the "U.S. English only" movement. That movement is, in a final analysis, about diluting the Voting Rights Act and also has other major implications in terms of services and education for language minorities in this country.

So when we talk about the U.S. census, I'd hope that somehow the Commission could get involved in that question. We need to have a full count.

From an urban context, when we talk about the implications for urban areas, and specifically with the census count, communities like Denver are not as large, obviously, as Los Angeles. We're only half a million in size. To have less than a full count, however, literally puts us in jeopardy of losing millions of dollars if we don't meet the half-million threshold. So if we came under 500,000, many of the Federal grants that are so critical to our urban community are linked to this whole question of the census, aside from the political considerations.

When we talk about the demographic shift, it is obvious that areas like Texas, California, Arizona, and Florida, because of that in-migration within our country, and also the fertility rate of minorities in this country, those States specifically in the 1990s have a rare opportunity to pick up anywhere from 11 to 13 new Congresspeople. From a political context, that has major implications for certainly language minorities in the Southwest, but other ethnic groups as well.

I want to take just a moment—and as I mentioned, I am skipping a little, but the topic of immigration was mentioned, and it certainly was a theme I wanted to touch on. The reason I mention it as having civil rights implications is that my analysis, in following the immigration question for some 15 years now, is that the same kind of fear that is generated by "English only" is linked in many respects with immigration. We have heard testimony today, and the figures range anywhere from 6 to 12 million at different points in time, of undocumented workers in this country. If you took those figures at face value, one of the concerns I have in terms of racial implications is that one would be led to believe that almost every other Hispanic you saw on the street got here last night.

The reality is, particularly in areas like Colorado, according to a recent survey done by the Latin American Research and Service Agency on census information, that in Colorado over 90 percent are native born. So we need to deal with these illusions that were spoken to earlier about myths and reality, the whole idea of pitting different groups, and the illusion that Hispanics in this Nation are all recent arrivals.

There is no question that we do have an immigration question before us that we need to deal with but, by the same token, I think it is critical that we recognize that we do not have to establish a xenophobic fear of everyone, particularly those who are identifiable ethnic minorities, as draining the economy, if you will.

This comment was made as well—and I want to reemphasize this because I think it's a real role for the Commission to play. Colorado, Arizona, and Florida are now three States that will be dealing with an initiative in November on the English-only question. I think it would be remiss on my part, as a civil rights individual in our city—certainly from a national level, I would hope you would place some focus on this—but there is no question that the English-only movement, which is not just in these 3 States but in 37 States at this point—14 States have passed legislation up to this point, and as I mentioned 3 States will be up in November for voting on this initiative—are impacted by this.

The fear, I think, is the same fear that drives the immigration question, that there are certain demographic changes taking place in this nation. Rather than embrace those changes—and as Antonia Hernandez very eloquently pointed out, we need to look at inclusion, how we are enriched by our cultural diversity, not divided by it but enriched. We need to recognize and see through these movements as to what the dangers are.

What the dangers are are this: I don't believe that there is a question that minorities, particularly Hispanics and Asians who have been targeted by this movement, value education. There is no question that they do. There is no question that they recognize that to succeed in this society one needs to speak English.

But what drives the opposition on this question—and I hope the Commission can take a look at this—is some of the myths and the types of statements made with regard to this question. Language in this issue has been equated to loyalty to our country. To not be fully proficient, there have been allegations that Hispanics, for example, are going to set up a Hispanic Quebec in the Southwest. There are charges that Hispanics are not loyal. There are charges that somehow there is some kind of a deadly disunity.

The reality is just the opposite. I think we need to recognize that, what the English-only movement is about. It is not a unifying measure but one that has certainly divided people not only in this State but in other States where these measures have been introduced. They have certainly economic, educational, and housing implications for civil rights.

One other topic I want to touch on—and I know the time is winding down—is what do we do in Denver as a small community addressing this question. Previous speakers have talked about: How do we link neighborhoods to this whole question of civil rights from a smaller perspective? As someone mentioned, the fish that just takes little bites. Well, perhaps we're like the fish in Denver.

One of the things we do at the neighborhood level is we have over 200 identified neighborhood groups in a small community of half a million. Our mayor regularly goes out to the neighborhood groups. Our office helps staff those meetings, and it's bringing government to the people. I think that is a concept that needs to be amplified throughout the Nation.

The idea, very similar to Los Angeles, we have advisory groups. We have a mayor's black advisory group, a mayor's Hispanic advisory group, an Asian advisory group, and an American Indian advisory group. Given our regional locale, American Indians, for example, have not had a real opportunity to speak today. I think it's important for areas like Denver and certainly for the Nation to recognize we are a crossroads where we sit in the Nation between the Indian nations. So we have not only the reservation questions that are very apparent in terms of what's happened to the American Indian, but we also see transitional problems with American Indians as they come through large urban areas trying to make an adjustment from reservation life to urban life.

The Asian community is a growing community in our city. The Asian advisory group tries to meet quarterly with the mayor to discuss these questions. Even though we are a landlocked State, we have a lot of in-migration from Asian groups, particularly Vietnam, Hmong, Cambodian, as well as the traditional Chinese and Japanese groups that settled there years ago.

The blacks have several organizations, the Black Roundtable. In fact, the chairwoman, Mrs. Gwen Thomas, who is an advisory member of the State Commission of Colorado, is here present, and we try to encourage meetings with the black community as well as the Hispanic leadership.

My agency also, aside from coordinating those meetings—this is a question of inclusion again for Commissioner Destro's question—has set up commissions in a wide variety of areas. We have a commission on youth, which is a majority of young people from high schools who sit on that commission. We have a commission on women that deals with domestic violence questions, the whole issue of comparable worth, day care. We have a commission on the disabled, with disabled individuals working there, and who access questions of how disabled people can function and work in our community and contribute.

We have a commission on aging, as well as a cultural affairs commission. All of these commissions work out of our agency. I am the overall head, and the mayor meets regularly with each of these bodies.

We also have an urban environmental affairs task force which deals with all urban questions dealing with quality of life issues. Police training is also a major component of our office.

So I guess what I'm here to suggest is that perhaps the model we use at Denver—one of the real advantages you can take advantage of, I would believe, is for us at a later point to submit our model to you, and as you travel about the country to encourage local level participation. I think we can't make that statement enough, that if we are going to survive as a country we need to include all people. I think that is a role that the Commission plays.

I thank the Commission for giving me this time. If there are any questions, I'm sure all three of us would entertain them at this point.

Thank you.

Discussion

Commissioner Destro. Thank you very much.

I think I'll start with Commissioner Chan.

Commissioner Chan. Ms. Dembo, it is very nice to hear that the civil rights is being managed so well in our neighbor.

Ms. Dembo. Thank you.

Commissioner Chan. Is that because you have a city provincial control program of some kind to control the funding for certain organizations so they will be under the control of the government on your human rights program?

Ms. Dembo. Well, not quite. First of all, there's the Canadian Multiculturalism Policy, which is enacted into law, and under that they spend $17 million a year in promoting multiculturalism and financing different support services for ethnic communities, and interracial communities. Then each province has its own human rights legislation. We have federal human rights legislation as well, but the federal human rights legislation is really for the federal civil service and federally regulated companies like the railways, the airways, etc. But like the Province of Ontario has human rights legislation under five areas and 15 different grounds. But there is no real provincial control except through the provincial code of human rights.

Commissioner Chan. The Canadian Human Rights Act is established by the Parliament, is it?

Ms. Dembo. Yes, it is.

Commissioner Chan. And then in each province, you have, say, the Ontario Human Rights Code?

Ms. Dembo. Yes.

COMMISSIONER CHAN. To go down to the State level.

MS. DEMBO. Yes. And then the city government has its own code of discrimination, which is under the same grounds as the province. In fact, the province recently followed the city by adding sexual orientation to their list of grounds.

COMMISSIONER CHAN. Thank you.

On the other hand, Ms. Davis, our city is under a different kind of administration as far as civil rights is concerned. I understand in the United States there are Federal civil rights, and then all the city has to do is to comply with it by organizing some kind of organization.

MS. DAVIS. That's true, but I think that the city of Los Angeles has gone beyond, as it has in other areas, the requirements in the kind of programs that we have initiated and so on. We have taken the lead, for instance, in the area of the gay and lesbian community. We were one of the first local governments that came out with legislation that protects them in terms of a variety of problems that they have.

Incidentally, in terms of AIDS also, which is not restricted, as you know, to the gay and lesbian community, there are many issues. For instance, I just had a letter yesterday from a prisoner who does not have AIDS—he's a hemophiliac—but because the prisoners see him going to the dispensary all the time, they just assume he has AIDS, so he is being discriminated against and is suffering a great deal, to the point that he ran away from the facility, and so on.

So those are the new areas that we have gotten involved in. But, again, we also have legislation in the city that is protecting the creation of hospices, the renting of the medical facilities, medical services, and so on.

We do certainly abide and go beyond.

COMMISSIONER CHAN. Well, I used to be the secretary of the CCPA, Chinese Consolidated Benevolent Association of Los Angeles. I used to deal with Mr. Bradley and so on, and I must compliment him, that even though Mr. Bradley and I are on different sides of the political arena, because Mr. Bradley is black I think the city of Los Angeles has more favorable management records than many other major cities in the United States.

MS. DAVIS. I thank you very much. We do sometimes need a little prodding.

I just want to share with you that in the police department, although we are doing well as far as the consent decree, the promotion of minorities is very limited. We had MALDEF, who was represented here earlier today—their attorneys—and we made all our files available to them, and they did an extensive review of the promotions within the police department. As a result, the mayor has generated some directives through the commission to the police department, and they are grudgingly going, and we hope that in the years to come we will see the results. Because as you know, the mayor himself only got as far as lieutenant because that's as far as anybody ever got. And we now are seeing captains and commanders and so on. But it takes a lot of help from the outside.

COMMISSIONER CHAN. Very good. Thank you.

I have one question for the city of Denver. In Colorado there are many Native Indians. Can you tell us a little bit about how the Indian people fare with the other people or vice versa?

MR. CASTRO. As I mentioned, Denver sits kind of at the crossroads within various Indian nations in the Southwest. Because of the census undercount, it's hard to determine how many. In fact, that's an issue with the American Indian community in terms of how they are counted for, obviously, various resource allocation questions.

We estimate anywhere from 15,000 to 20,000 live in Denver at any one time. They tend to be not migratory but transient, if you will. Many come from a reservation on the way somewhere else and happen to drop off in Denver. So we do have an American Indian Center that we work quite actively with. We have distributed a lot of economic development funds to that center, so that there are economic initiatives taking place there.

We have an advisory group made up of various Indian organizations, so it's not based on tribalism as much as it is by various Indian organizations that serve the American Indian community. I believe there are about 15 members on that advisory group. They try to meet regularly, quarterly, if you will, with the mayor to discuss issues of concern.

One question that was brought forward—and this is an area that I think needs some discussion—that I think was by the American Jewish Committee spokesman—is that cross-dialogue with different ethnic groups is very important. We have a Chicano-Jewish dialogue, a black-Jewish dialogue. The Hispanic community is very involved peripherally with the American Indian community. Wherever we can develop programs where other cultures can work together, aside from the majority society, I think we are all better served. So I think that speaks to your question as a need to do more of that type of interacting between particularly minority groups.

COMMISSIONER CHAN. Thank you.

COMMISSIONER DESTRO. Commissioner Allen.

CHAIRMAN ALLEN. Well, I will take a brief moment, although we are running out of time. Mr. Castro already answered partly the chief question I had in mind this afternoon, and in your opening remarks you also talked some about neighborhoods and groups, and I thought it would be worthwhile above all to hear from you representatives of major cities what some of the dimensions of intergroup relations are.

Particularly I have one thing in mind, which I am concerned about because I know historically one thing above all else has characterized race relations and civil rights questions in the United States, and that one thing has been denial throughout every historical period. You usually find the most important trends are subject to denials. They are never admitted and never discussed, and they are always on the fringes.

One thing, of course, that is on the fringe today in the cities like Chicago and to some extent also in New York is a growing tension between particularly black groups and Jewish groups. Well, I shouldn't say groups; let's just say, loosely, blacks and Jews for the moment, not to exaggerate it. So I wanted to know from your respective vantage points how that question stands so that we might be better able to judge whether these are parochial issues or whether there is an underlying trend.

MR. CASTRO. I think that question was also raised when Mr. Destro asked about the whole question of inclusion. I agree with you that some of our major problems have been the question of access and inclusion. From a purely administrative point of view, one of the things we have tried to address, rather than talk about police commissions—because many of the questions of police brutality have been focused in on black and Hispanic primarily but to a degree Asian, and now the gay community—is to try to put people in those positions that run those agencies that will be accountable to the communities.

For example, in terms of inclusion, we now have an Hispanic who is very sensitive to neighborhood questions running the manager of public safety's office, which oversees the police and fire departments. The fire department head is Hispanic. The head of our health and hospitals system, which is the largest cabinet-level position, is a black. So when we talk about access, access points obviously are in the administrative area.

When we talk about ethnic groups, we have tried to integrate ethnic groups into all boards and commissions, outside of those that I mentioned of my agency.

CHAIRMAN ALLEN. Let me interrupt you just to say what I really wanted to focus on was the remark you made about intergroup discussion. I want to know, for example, as between blacks and Jews, whether you foster those kinds of discussions because there are perceived difficulties between those groups in the city of Denver.

MR. CASTRO. I am not a party to the black-Jewish dialogue group, but I was one of the founders of the Chicano-Jewish dialogue group. One of the reasons we established that group—in fact, Ms. Davis and I went to Israel together at one point, having been picked from around the country. But one of the reasons that we established that group is that there were perceived differences, obviously. There are some commonalities. The Jewish community obviously has some commonality with Hispanics on the question of immigration. We differ on quotas. We have gotten involved with briefings on the Mideast because global questions impact all of us. Central America and bilingual education are some areas that we have some question and some commonality on.

So, yes, to answer your question, we formed these groups because—

CHAIRMAN ALLEN. Let me just point it a step further, and then the other two can also respond to it. Has your experience in Denver been that there has been scapegoating behavior? Have there been stereotypings that have become problems? Have those kinds of problems surfaced?

MR. CASTRO. We've had some cross burnings, and also in front of the Urban League a KKK activity. Mr. Berg, a radio announcer, a very prominent radio announcer, was assassinated several years ago.

In that regard, we're developing—in Denver it's more of a regional concept; we just had a meeting several weeks ago—to develop an intercultural coalition, if you will, patterned after the coalition that formed up in the Northwest to deal with extremism. It's going to be a regional organization, based in Denver but involving four or five outlying States, to monitor and share information between various ethnic groups and civil rights organization about the whole new wave, if you will, of right wing extremism.

So to answer your question, there is some of that activity in Denver as there is throughout the Nation, and this is going to be our attempt to try to network with one another to try to address that question.

MS. DAVIS. We also have the kind of dialogues with blacks and Hispanics, and they really don't last very long. We have had them with the Jewish community—they came to us—and they have them with the black community.

Recently, we have been working with the Asian community, and frankly, my own personal experience, since I have participated in all of them, is that we find we have much more in common with the Asian communities as Hispanics than we have had with the blacks, because when we talk to the blacks or the Jews—well, actually with the Jews we can talk about language and we can talk about immigration because they have those problems, but when we talk to the blacks, they don't have that experience unless you're talking about Haitians and so on, which is not something that is really very common. But with the Asians, when we talk about immigration or education and so on, we really have had incredible dialogues in a lot of areas that we can really work together.

In terms of the city and the things of my experience in those 15 or 16 years we've been there, when we've any kind of, you know, a little bit of rubbing together of groups, it has really been over resources.

Just yesterday we announced and went to council with this program with just $2 million that the mayor has gotten to extend several schools—you know, after school hours, sort of a latchkey program, which we already have, but we wanted to extend it more. The way we did it in working with the schools is looking at the schools that have the greatest needs, that don't have other programs, have the greatest number of people in poverty—all kinds of criteria that were used. It just turned out that the majority of the schools in those categories were Hispanic.

Also, even in the south central area, which is normally looked on as the black community, they have been infiltrated with Latin American and Central American people, so again the population is highly Hispanic.

So when we looked at the results, it looked like we were just dealing with Hispanics. And we got a lot of flak on that yesterday. So now we are having to respond by looking for additional resources so we can expand to schools that are looked at as predominantly black.

But those, unfortunately, either in funding, our block grant funding, development of housing—even within, for instance, the housing authority, the public housing that we have—by law we are supposed to have integrated projects. That has not happened because they were only doing the certification of people at the local areas. So if it was a black neighborhood, all the black people live in there, and the same thing with south central.

We are now centralizing all the certifications so that people just come to one, and we send them where the vacancies are. Well, we got an objection from the south central area people saying, "You're putting too many Mexicans over here. We know there must be blacks on the waiting list." And that was not true.

But we are having to respond to those things continuously. But the fact we are able to enter into dialogue, bring people together, and talk about these things, much as you've said it in your cities—and that's the only way to get to those things, is to get them immediately, bring the people who have the information to the meetings, and make sure the people get that firsthand information, and then hopefully you have the resources to be responsive.

CHAIRMAN ALLEN. Could you at least just tell me whether you have had the experience, say, of increasing anti-Semitism in the Toronto area on the part of some of the other groups—blacks, for example?

Ms. DEMBO. Well, we certainly have seen an increase in anti-Semitism. We haven't seen an increase in the black-Jewish conflict, although we occasionally hear of the American influences coming in in terms of speakers coming across and talking to the black community, and that sort of raises tensions.

We actually have a very volatile situation in the sense of strained relations between the Ukrainian population and the Jewish population, which is in part caused by the fact that we had a commission which has resulted in the Canadian Government passing a law where we can now have war crimes trials, and there are a couple of cases before the courts, and because of the Demanuk trial in Israel, tensions are very high, and there is no dialogue at all between the Ukrainian and Jewish communities. So other groups, such as my committee, are trying to initiate discussions individually with the communities.

We do see a problem, and that is a problem between the older communities which came pre 1967. I should explain that prior to 1967, we really did have discrimination in immigration to Canada. The older groups are more resentful of the newer groups there, because the newer groups have benefited from policies of multiculturalism. So they see new immigrants as receiving benefits which they did not, and they say, "We came in the hard way. You've got to suffer too."

So this is an area of tension, but yet they do work together on an area which is calling for heritage languages in the schools. They have worked to get most of the area school boards to extend the school day by half an hour so heritage languages are taught. With 85 languages, you can have some idea of the impact.

But there are tensions, and one does try to bring about the dialogue.

Ms. DAVIS. Could I just add one thing, which I think is interesting for Mr. Chan. The difference in the immigration that we've had, like people who come from Central America and from Mexico and so on, are from a lower income class. So when they come here, they are the ones who have less skills, less education, and are working at very-low-skilled jobs or looking for work.

Many of the Asians who have come here have been very fortunate in coming to have the capital in which they can engage in businesses right away. They actually have added greatly to the economy and the facade of the city because they come into the neighborhoods—like about 4 miles from here there is an area that used to be called Dogtown because that's where we had the first animal shelter. They don't know that. We have moved away from that and everything. All they see is properties that have been left there vacant, and they are inexpensive. They come in and they don't just patch them up. They really rehabilitate the buildings and have added to the community and the economy.

In some areas there is resentment to that because where you have, especially the small communities, the small chamber of commerce and so on, and they come in and they are flourishing and so on, and they do not necessarily have the same orientation as our business people, so they have to work to get them to become a part of the business community. So we have had to sit in on meetings to bring them together, like with the Korean community and so on.

But they are a real asset to the city, so we have to just convince people, although as you say they are recent arrivals but they are making contributions. But, again, we do intervene in many cases like that.

COMMISSIONER DESTRO. Mr. Friedman.

VICE CHAIRMAN FRIEDMAN. Mr. Castro, you and a number the other panelists who represented Hispanic points of view from time to time in the course of these meetings have made reference to the English-only movement and have expressed concern about it with regard to what Ms. Hernandez, I think it was, who said something to the effect, "Why can't they accept the fact that we have this language and we wish to preserve it and so on?"

I happen to be personally a critic of the English-only movement. I have written on the subject, so my credentials are clear on the subject. But there has not been any defense made, at least of some of the underlying theory that motivates the English-only movement, which is that they are worried in part about America becoming a kind of ethnic grab bag in which we have so many racial, religious, and ethnic groups, and if each group goes after its own thing so fully and thoroughly in an activist manner, the common sense of identity

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will be eroded, and we will become a kind of—a familiar term years ago was kind of a balkanization of American life.

Now, I think one of the really difficult arts that exists in American life is how you adjust the need for communal identity and strength, which is so terribly important to all of us, and how you preserve the common sense of a total identity. And it is on this level that I thought the discussion ought to be elevated a little bit, rather than, "Why are they trying to drive out Spanish?"

MR. CASTRO. Sure. If I might, I might make just a couple of comments. First of all, as I mentioned, those of us who are opposing "English only" are not opposed to the English language. That's a myth that has been purported, and you'll probably hear more testimony on that tomorrow, that we do support the English language and we recognize the importance.

We come at it from a philosophy of English plus. Anybody who has an opportunity to travel around the world recognizes that other countries value their children not only speaking their native language but learning English or two or three other languages.

So from a competitive point of view, the area that you mentioned we ought to elevate it to, we are losing our competitive edge around the world. We hear that not only in testimony here, but much of the literature today talks about us losing some of our competitive edge, and that the English-only movement is coming at a time, narrowing our vision rather than expanding it, that we ought to value a second and third language.

Particularly with language minorities, we should not view them as some kind of a detriment to the Nation but as an asset. I don't know if you slipped the point that Antonia mentioned, but the idea that we have Spanish children who can speak English and have a second language of Spanish is going to be a resource for us in the decades ahead.

I was down in Mexico several weeks ago. There are major problems because of the elections, the inflation, the debt—$106 billion, most of it owed to us. We're going to have to be working closer with Mexico for our own best interests, and certainly, conditions in Central and Latin America demand that we work in social and economic approaches versus the military approaches that we're doing now.

So I guess when we talk about elevating the discussion, what we really ought to be talking about is not looking at Asians or Hispanics or others who have a culture that is very rich, that we ought to obviously get them to be English proficient, which many want to. The only thing holding them back are programs, or lack of programs.

And looking at them as an asset, from a competitive edge. I believe because of that argument, there is no question that both presidential candidates are on record now against "English only" because they recognize that in the years ahead America needs to work in more of a global context, and anybody who can speak a second language ought to be looked at as a resource and not from a divisive point of view. I think that's the message that "English only" is portraying, rather than the positive side, that cultural enrichment enriches all of our lives.

One point I think needs to be mentioned that probably hasn't been mentioned, I don't believe, at least listening to the testimony, is that we need to educate our educators from a global perspective as well. You know, we don't offer programs in the high schools for people to appreciate different cultures. Many of our teachers are a product of the same educational system that has gone on for generation after generation.

One approach, and one that I think the Commission can play, is to talk with higher education officials about how we can encourage ethnic studies again. You know, when our young people come out of higher education, they have to work in the real world. If the demographic statistics that we are hearing constantly today and tomorrow are such that that is the reality, then we ought to be educating our teachers and future leaders in a multiethnic approach because that's what they're going to work with in the real world.

I guess I've talked a little bit around your question, but I think we ought to take a look—

VICE CHAIRMAN FRIEDMAN. There's no good answer to my question, really.

MR. CASTRO. From a constitutional point of view, from a civil rights point of view, I think this English-only question has major, major civil rights implications for our country. The ultimate goal is to change the U.S. Constitution. I believe if they are successful, we will see major challenges against many of the language minority rights that were fought for for generations in this country. They deny that they are after access in terms of health or emergency care, but there are several bills pending right now that speak about cutting back those kinds of programs. I don't believe that's good public policy. It's not good health policy; it's not good criminal justice policy; it's not good educational policy, and lastly, I don't believe it helps us from a competitive point of view.

COMMISSIONER DESTRO. Commissioner Buckley.

COMMISSIONER BUCKLEY. First of all, what I'd like to do is commend all three of your mayors and your cities for the work that you are doing. It really has been impressive to listen to all the things you are accomplishing, that you have been able to effect in your cities. I am really impressed by some of the things, like in Los Angeles that you speak about, Ms. Davis, and when you talk about pay incentives for being able to speak a second language, that is definitely a very positive approach.

Again, please, I hope you send back to your mayors our congratulations for what we definitely appreciate as a good job in what you are accomplishing in your positive race relations.

I do not know what your situation may be in Toronto, but in Denver and in Los Angeles, I recognize your city has done a lot as far as your work force within your city government. But has your city also looked at possible things to deal with or perhaps help in dealing with the dropout problem in your cities, and perhaps additional education of your work force in your city, not necessarily your city employees which you have done in Los Angeles, but do you have any kind of community involvement program or something where you are trying to address the dropout problem in the city as a means of preventing rising crime and other problems in the future?

Ms. DAVIS. Yes, absolutely. Although the schools are not under our jurisdiction, we work very closely with the school district. I know the mayor has worked with the inner-city corporations that make up the central city. They have gone into a variety of groups, committees, where they have generated monies to fund certain programs that have gone into the schools. There is a focus on youth that has been working with young people in terms of the support system that they need.

You know, we found they don't come to school because they don't have bus money, and of course they don't eat—you know, the usual things. So these corporations are addressing those kinds of problems. Coca Cola also has a program that has dealt specifically with the academics within the school thing.

Then, of course, the program I mentioned, the after-school program, keeping the school open so that the kid doesn't go out on the street and get involved with the gangs and what have you.

We have here in the central city, and it's in many of the cities, but the tax increment money that is collected from an area—it's like a district—in the downtown area, the taxes were frozen at a certain level, and anything beyond that is given to the community redevelopment agency. Several years ago there was a cap that was put on the amount of money that could be collected. The mayor is going to court, if necessary, to try to get that cap lifted to several billion dollars, in which most of the money would be going to education, to providing low affordable housing, and some of the other social needs that we have.

Very specifically, we do work and encourage—we fund several programs ourselves through our community block grant that is addressed to helping the dropout and all that.

It's a problem. For instance, in the Indian community, it's a community we have great difficulty working with because they are there in numbers because they were counted, to an extent, in the census, but we can't find them in terms of working with them. We do have an Indian commission to try to help because they have the greatest dropout rates and things in addition to the other minorities and all that.

But it is a problem that we recognize that we have to address because they are the future of the city.

MR. CASTRO. If I might just say briefly I heard Jesse Jackson—he was in Denver about 7 or 8 years ago, and he came to our city just after our mayor was elected. With these demographic changes, we are seeing black mayors, Hispanic mayors—our mayor is Hispanic—coming into office at a time when we are seeing less Federal commitment to local government. I'll get around to the point in just a second.

The one problem we have is that we are a community that is, much like the rest of the Nation, having economic trouble. So our mayor is without a large treasury at this point, and we don't have a lot of money to offer programs.

At this point one of the things we have done, though, is to try to coordinate a little better with the schools. The schools aren't under our jurisdiction, so we have established a city-school coordinating commission. That commission meets regularly, and it's an attempt to have after-school programs like the community-school concept—I don't know if you're familiar with that, but many of our schools lay vacant after the school day, obviously—trying to open up schools to offer community-based programs in those schools, somewhat, for a small fee by the residents, but in that way trying to help address the literacy question and programmatic question.

Our mayor has a very definite commitment to education, has made some major educational policy statements. He himself—I think at last count it was 135 schools he had visited personally. For those of us within the administration, he encourages us to visit the schools regularly in terms of role modeling.

The dropout problem is a very complicated one. There's not any one thing that either the city administration can do or the school system can do, but at this point, from a cooperative point of view, the city-school coordinating commission, I guess, is about the closest that comes to that.

From financial resources, though, that's a real problem. We are embarking on major capital improvements programs, like a new airport and a new convention center to try to stimulate more of the tax base, but at this point Denver is strapped, much like many other large municipalities, in terms of a tax base to support additional programs.

COMMISSIONER DESTRO. Commissioner Guess, you indicated you had a question.

COMMISSIONER GUESS. Thank you. I don't have a question, Mr. Chairman. I'd like to make a comment.

I just wanted to say, Mr. Chairman, because I have heard this testimony, the subcommittee is to be commended. The representatives of the cities that you have assembled here, I think, have given excellent testimony this afternoon, and it is unfortunate that millions of cities across the United States, and I suspect in Canada, even though I haven't followed it that closely, haven't been able to implement many of the same creative and imaginative approaches to dealing with the diversity that exists in our society, and I just wanted the record to reflect that I have thoroughly appreciated hearing what they've had to say today.

COMMISSIONER DESTRO. Thank you. I should also note for the record that Mayor Tatangelo had committed to come from Laredo and was unexpectedly called to deal with 320 questions of building a new bridge over to Mexico.

COMMISSIONER BUCKLEY. That took precedence.

COMMISSIONER DESTRO. So he did send his regrets for not being here.

I only have one question, and then I'll turn the last question over to Ms. Prado. It goes to Ms. Dembo. You use a term in the materials you gave us, "visible minority." What does that mean?

MS. DEMBO. Well, in Canada it's a term which, according to the census and according to all the people that work in the area, is any person who can be recognized visibly. They have color or have racial characteristics.

What is interesting is there are people who resent the term "visible minorities," and say you are now "audible minorities," people who have language other than English. And a new term is beginning to sort of be coined in some circles, and that is "vulnerable minorities," because there are certain groups like the Jews, for instance, who are always vulnerable. There are certain groups like them, you know, who are usually the target for discrimination or prejudice. And under the term "visible minorities," they are excluded, of course.

So the question is, in race relations, how you use these terms. I'm not that happy with them myself, I must be honest.

COMMISSIONER DESTRO. The reason I asked the question is that it is not unlike one of the questions I raised earlier, which relates to your comment about the previous immigrants, and then the later immigrants. Obviously, the opposite of "visible minority" is "invisible minority," and I suppose you could say there might be an invulnerable minority as well. But doesn't the real question come down to how the government classifies people who need assistance or protection from discrimination?

MS. DEMBO. Yes.

COMMISSIONER DESTRO. I find it interesting to see it's being debated at the level of what you call people rather than at the level of how you define what their needs are. Because you mentioned the Portuguese, for example.

MS. DEMBO. Yes.

COMMISSIONER DESTRO. Are they considered a definable minority group in Toronto?

MS. DEMBO. Oh, yes. In fact, in the city of Toronto—Toronto is part of a metropolitan area of six cities—they are the largest minority group. In fact, next to the English, they are the largest population group.

COMMISSIONER DESTRO. Is there any documentation of discrimination against them, for example?

MS. DEMBO. No, not really, although educationally they are at the lowest level because the majority of them have come from the Azores and came prior to the revolution in Portugal and so had an average of 4 years of schooling. So the result is that their children have the highest dropout rate, followed by blacks, in the school system. So the Portuguese tend to be very low in the economic and social categories.

COMMISSIONER DESTRO. But they wouldn't be considered to be a visible minority?

MS. DEMBO. No, they'd call themselves an audible minority.

COMMISSIONER DESTRO. I was just looking to see because we have similar questions here. Our census categories define Asian, for example, but nobody knows quite where that stops. Does it stop in the middle of India somewhere, or does it go all the way over to the Bosporus? Those have come up with respect to affirmative action questions here, and it goes really to the question of how we conceive the problem of civil rights. Is it one that is related to people who have problems because of who they are or their diversity, or is it because of color, notwithstanding that diversity?

MS. DEMBO. I think it goes across the board. I think what one wants is to see that all groups are free from discrimination and are entitled to equal treatment under the law and in everything else.

Commissioner Destro. All right. I'd like to ask you one more thing. It's not a question but a request for information, and that is if you could give us some information at your convenience on the content, more or less, of the federal multicultural program, that would be very useful to us.

Ms. Dembo. Okay.

Commissioner Destro. Thank you.

Ms. Prado. And then that will wrap up this panel.

Ms. Prado. I also must apologize for having to be absent at various times so I was unable to hear all your presentations, but I did hear enough that I would like to ask you a question that I posed to the last panel. That briefly was that several months ago our State Advisory Committee in Florida held a community forum, and out of that forum in a lot of off-the-record conversation and between-the-lines conversation, I learned there was a simmering tension in Miami between the Cuban population and the black population in terms of a slightly different twist on some of the questions you've been talking about in terms of language. In other words, the blacks were contending that they were discriminated against by the Cubans who would insist on Spanish as a prerequisite for jobs in the community. They contended to me that they called city hall, and they could only get Spanish-speaking people; they couldn't get their problems addressed. It was a different situation than I was aware of, but I was impressed with the level of tension that seemed to exist.

As I was listening to you, I heard you say—Ms. Davis especially—that there was difficulty in Los Angeles between Hispanics and blacks trying to work out their differences. Two questions, I guess: Are you aware of the situation in Miami and any strategies you might recommend, or do you have any such tensions in your two communities, particularly Denver and Los Angeles, that you have been able to work out?

Ms. Davis. The language problem always has been a factor, the fact that the black community just speaks English, and when they hear the Hispanics just speaking Spanish—for instance, in our cafeteria, as of Tuesday we have a new contractor up there, and they have a lot of help, and it just turns out that they are all Hispanic, at least the ones who are visible, and they are speaking Spanish to each other. So you get resentment from people: What are they talking about? Is it going to affect the service that we get because of this?

Again, I think it's the paranoia that we as Americans have about other languages and so on.

In other communities—say, for instance, in the Watts area, which is where we had the riot back in 1968—and it's true of all communities—a lot of the people there have been moving out, and the other less economically able people are moving in. So as I said before, in terms of the schools, they are now more predominantly Hispanic. We have a lot of tension—although I shouldn't say that as a blanket because we see a lot of communication with people in the schools. But at the very beginning, early on in the years, for instance, there was a Hispanic area superintendent put into that area, and they got a lot of resistance from the members that were there from the black community again. And it's just because the need is so much that they feel it's going to take longer for their needs to be addressed if it's not addressed by someone who has the sensitivity of their own race or their own community.

Those are the kinds of things that we just constantly have to address immediately as soon as it surfaces, so that we can try to give them what it is that they really need to allay their fears or concerns and not let it take the form of a race relationship.

MR. CASTRO. I might make just a real brief comment. I know this is the final question.

I look at it more from a dynamic of competition for resources. I don't know the whole issue in Florida. I've done a little reading. I know language is at the heart of some of that. But when you talk about jobs, about blacks being unemployed, high unemployment, the Hispanic community concerned with the same question, it's resource allocation.

A previous speaker talked about what are we going to do with the seniors. There's the whole generational equity question. Are we going to take funds away from seniors to provide for future generations of our young? That's pitting old against young, minority against minority.

In Denver we've had a problem nationally—several years ago, I think you may recall—actually it was in my legislative district when I was in the statehouse—we had problems between Vietnamese and Chicanos in the housing developments, a perception that Vietnamese were being treated separately and given favoritism in terms of how they got into the housing in the first place. I think you had some testimony about that issue already.

So whenever you get into the question of pitting groups against each other—not pitting them deliberately—I think the resource allocation question revolves around it, not in just Florida but throughout the country. So it's not an easy thing to deal with. As was mentioned, you need to deal with it as it arises, if you will. A lot of it is driven obviously by the national level in terms of where we put some of our dollars. I think Antonia mentioned it very eloquently, that we really never have allocated enough in specific areas, and I think that is probably at the heart of some of this divisiveness that we see.

CHAIRMAN ALLEN. Thank you very much. I apologize for keeping you all so very long. We are far over time. And we have run into our public comment time, so I am going to move right along to that.

I understand, however, that we need to give our recorder certainly 2 minutes to stretch her fingers, if nothing else. So I'm going to declare this a formal recess for that purpose, while you then are able to clear away, and I will go over the list of names and call out the people who are to come to the table for the public session.

So we are temporarily in recess.

[Recess.]

Open Session

CHAIRMAN ALLEN. I am going to reconvene the meeting.

This is the open session, and respecting that I must say to you all that we can receive your statements under certain limitations mandated by the law, the most significant of which is that we have to avoid defaming or degrading the character of other persons in making general public statements. What that means is if I should happen to interrupt you or someone sitting up here should happen to say to you, "You're crossing the line," then you shall have to back off of the line. But we do want you to be careful not to engage in defame and degrade kinds of statements.

Since I'm pretty sure I know why you're here and what you have to talk about, you can just tell me how you want to proceed. Five minutes is permitted to each of you. Does each of you wish to speak for 5 minutes?

MR. RIDLEY-THOMAS. I'm not inclined to speak for that length of time, Mr. Chair.

With your permission, if we are prepared to proceed, I simply want to offer opening remarks and introduce those who are with us, and Mr. Webb from the NAACP will conclude.

As I said, my remarks are not intended to be 5 minutes in length, although I understand that is the limitation under which each of us should govern ourselves. So with your permission, I am prepared—

CHAIRMAN ALLEN. Let us begin, then, with Mr. Mark Ridley-Thomas.

Statement of Mark Ridley-Thomas

MR. RIDLEY-THOMAS. We are here today because we take note of a very serious issue that has to be described as a civil rights concern, and it is basically the question of the hiring, the retention, the promotion of blacks in higher education. And because of the virulence of racism in a variety of forms in the context of these United States, we take particular note of the numbers of complaints that have come to the attention of the Southern Christian Leadership Conference, in particular, here in Los Angeles, as well as the local chapter of the NAACP.

As a result of these rather persistent concerns or grievances that have been brought to our attention, we thought it appropriate to raise them to the level of the U.S. Civil Rights Commission, and we appreciate the fact that you have afforded us that opportunity.

I have written comments that I have shared with the Chairman, and would be appreciative if they were shared with the other Commissioners.

CHAIRMAN ALLEN. I will acknowledge that I have a copy here. Without objection, it will be entered in the record.

[The complete statement of Mr. Mark Ridley-Thomas is as follows:]

Dismal prospects exist for blacks interested in pursuing occupations in academia. Several factors seem to exacerbate this problem. One is the declining number of minorities attending college and the even fewer electing to pursue graduate degrees. A recently released Urban League report shows there was a decline in the number of degrees awarded to blacks at nearly all levels, except the first professional degree. According to the National Research Council's data, the number of blacks earning doctorates in the U.S. dropped 20 percent—from 1,186 to 946—from 1976 to 1986.

Another factor is an increasing competition between educational institutions and private corporations for a shrinking labor pool. The educational community cannot offer the opportunities, financially and benefit-wise, that private corporations can which results in fewer minority applicants for collegiate employment.

The most horrific factor preventing the hiring and promotion of black faculty is the reluctance of college administrators to honor affirmative action principles.

We will hear the stories of three black scholars, each of whom are credentialed, competent, and committed to the institution and students they served. Their academic achievements were often lauded and they participated in a number of organizational activities on campus. They were popular instructors and received excellent evaluations from their students and from the departments which employed them. Unfortunately, each were denied tenure for nebulous reasons.

Grievances and the professors' requests for recourse from the university often ostracized them from the academic community upon which their livelihood depended.

These are not isolated examples of campus racism. In terms of full-time faculty positions, predominantly white college campuses reflect only a 1.8 percentage of black faculty. Though many college administrators verbally support affirmative action, the overall pattern of faculty ethnicity remains virtually all white.

The majority of black college educators are employed by historically black colleges and universities. These institutions, however, have been consistently underfunded by the Federal Government forcing some, such as the recently closed Bishop College, to cease their operations.

The Southern Christian Leadership Conference of Greater Los Angeles is concerned about the virulent forms of racism permeating the bastions of higher education. It is impossible to convey the importance of education to youth when institutional racism blocks the aspirations of those who dedicate their lives to academic endeavors.

We bring this matter to the attention of the U.S. Civil Rights Commission because it is one of the most pressing civil rights issues of our time. The downward spiral of black student education places our nation at risk. The employment, retention, and promotion of black educators is necessary to provide black students with the best education possible. Our existence as a nation demands no less.

MR. RIDLEY-THOMAS. And those who accompany me have prepared texts as well, and I simply want to say that it is without question that the Southern Christian Leadership Conference recognizes this to be one of the more clear and important civil rights issues of the 1980s and no doubt beyond. When we look at the crisis in education and we look at the issue of test scores reflecting poor performances on the part of people of color, but black students in particular, it is of deep concern that when we have black persons excel academically that that is not saluted.

In the person of Professor Hal Fairchild, Lawrence Hogue, and Reginald Clark, we have three individuals who have rather extraordinary presentations to make about what precisely has happened. These are complex questions. They are not isolated, and this is precisely our concern.

So without further ado, it seems to me it is appropriate, then, to talk specifically about these examples, and toward that end, Mr. Chair, I would introduce Professor Hal Fairchild.

CHAIRMAN ALLEN. Thank you.

Dr. Fairchild.

Statement of Halford Fairchild

DR. FAIRCHILD. Thank you. My name is Halford Fairchild.

On behalf of my colleagues, I wish to thank the Commission for the opportunity to bring this issue of discrimination against black faculty to your attention. You will hear, in our individual statements, three recurrent themes: First, black faculty are discriminated against in terms of the levels of service expected of them. Second, despite a greater than average level of scholarly productivity, which is after all the currency in academia, our work is subjectively devalued as inferior. And, third, we are denied tenure within the context of a whole host of procedural irregularities in the formal review process.

I was hired as an assistant professor of psychology at [a major university] in July 1978. My appointment was shared with the [university's] center for Afro-American studies, where I served as a faculty associate. My contract was terminated in June 1986, 8 years later, when I was denied tenure and promotion to associate professor.

My teaching at [the university] ranged across a very diverse set of undergraduate and graduate courses: Introductory Psychology, the Psychology of Social Issues, Research Methods in Afro-American Studies, Race Relations, Black Psychology, etc. Even that breadth of teaching is very unusual for nonminority faculty members at [that university] or really anywhere else.

I consistently received teaching evaluations that were significantly—and I want to say statistically significantly—higher than departmental and university-wide averages. In addition, I had a much larger than average number of individual students. And this is a problem that I think confronts all black faculty. At [the university], for example, there is a 5 percent or so black student body but only a 1 percent or so black faculty. So the demands on the black faculty are increased exponentially.

For example, I served on over two dozen dissertation committees in 6 years.

For 5 years, 1980 to 1985, I served as chairman of [a] committee to administer the B.A. program in Afro-American studies. During that time I completely rewrote the curriculum design of the program and supervised two extensive reviews of the program by the [university's] Academic Senate.

For 3 years, 1982 to 1985, I served as chairman of the committee to administer the master's of arts program in Afro-American studies. This level of administrative responsibility is unheard of for white assistant professors.

In addition, the more senior faculty who do serve as chairs of committees to administer interdepartmental programs, such as the programs I chaired, typically receive an administrative stipend of $2,000, they receive summer salary which is equal to two-ninths of an individual's annual salary, and they receive a reduction in their teaching load. I was given none of these rewards, which would have amounted to nearly $100,000 in my years of service.

When I was reviewed for tenure by the department of psychology, the department was nearly unanimous in approving my promotion to associate professor with tenure. Of the 68 full-time faculty members in the department, only 3 voted no. The [university] administration, however, created an elaborate rationale for why the department's decision should be overturned. They denied my promotion and terminated my contract. In so doing, the [university] administration disrupted my career, defamed my reputation, and intentionally caused intense emotional turmoil.

After raising grievances concerning the procedures that were followed in my tenure review, the [university's tenure committee] reported that they found at least two procedural irregularities in my review, but they dismissed them as, quote-unquote, "harmless." In so doing, they violated their own policies and procedures for investigating such grievances. Appeals to various agencies within the . . . have been in vain.

I am currently seeking redress within the civil courts . . . and am hopeful that the Commission on Civil Rights will recognize the imperative for placing this question of discrimination against black faculty in higher education on your agenda.

Thank you.

CHAIRMAN ALLEN. Thank you very much, Dr. Fairchild.

Who is next?

MR. RIDLEY-THOMAS. Dr. Hogue.

CHAIRMAN ALLEN. Dr. Lawrence Hogue.

Statement of Lawrence Hogue

DR. HOGUE. In 1987 the [university] [name deleted] had 0.016 percent or 10 black faculty members in a total of 900. [The university's] rationale for this paucity of black faculty members is that there is no pool of black PH.D.s from which to hire. This argument has become a standard, but unsubstantiated, rationale.

On August 19, 1988, [the university's] black faculty and staff association gave a farewell party to 10 black Ph.D.s and M.D.s who were leaving because [the university] either had denied them tenure, had failed to promote them, or had failed to make opportunities in the workplace a reality.

In its entire history, [the university] has granted tenure to only three black professors. All three had to fight, and all three are still associate professors. . . .

[The university] would argue that racial discrimination has nothing to do with the farewell party or with the lack of black representation on its faculty. But it is quite obvious that institutional racism is a major factor. What I want to show this evening is how that institutional racism manifests itself.

In 1985 I came up for tenure at [the university]. My book had been accepted by a reputable university press and had been held as superior research by scholars in the field. I had some of the best teaching evaluations in the English department and had delivered scholarly papers at all of the right professional conferences. [The university] could not deny my tenure based on merits. Therefore, the English department, with the cooperation of the university, deliberately and systematically violated university tenure procedures to affect a predetermined outcome. Despite the fact that I was the only Afro-Americanist in the department, the department broke university procedures and voted on my tenure before soliciting letters from outside scholars. Wanting to withhold valuable information from outside reviewers, the department had a secretary compile and then send out my curriculum vitae without consulting me.

After several unsuccessful battles with the department's chair to get a fair representation of my credentials, I filed a formal charge of discrimination with the university's affirmative action office. A 3-month investigation found racial discrimination on two of the four complaints I made against the English department.

In June 1986 the chancellor informed me of these findings, but in July 1986, I received a letter from the affirmative action office informing me that the initial report's conclusion had been changed from racial discrimination to violation of tenure procedures. As the affirmative action office admitted in the campus paper, the change was made without any additional investigation.

Despite the fact that other review levels had made tenure recommendation that were contrary to the department's, the chancellor refused to make a decision on my tenure. Instead, in an unprecedented move, he ordered a second tenure review. Naturally, I protested because I realized that a second tenure review would give the university and the department the opportunity to deny my tenure without violating procedures. I knew that a second tenure review would be a whitewash. The chancellor informed me that he would instruct the department to initiate a second tenure review with or without my cooperation.

The second tenure review was a total whitewash. My file was held up in the department for 4 months, until the beginning of the spring quarter. I learned at the beginning of the spring quarter that an English professor was becoming the acting dean of the school of humanities.

I protested in writing to the chancellor. He never responded. The executive vice chancellor for academic affairs was lobbied by star professors in the department, and members of the ad hoc committee were changed. With these changes, I was denied tenure at all levels in this second review.

In February 1988, the chancellor denied my tenure. When he was questioned by reporters of my accusation that the second review was a whitewash, he informed them that I had received a fair review.

Feeling that my civil rights had been violated, I sought legal counsel. . . . In June 1988 I filed a racial discrimination lawsuit in the Federal courts against the [university].

I ask—no, I implore—the U.S. Commission on Civil Rights to assist us in making sure that . . . universities around the country do not use academic freedom as well as a cloak of secrecy around personnel matters to violate the civil rights laws, to end run the U.S. Constitution.

[The complete written statement of Dr. Lawrence Hogue is as follows:]

> I have served [my university] excellently. I have served annually on the department's English and American Literature Committee. I served on the Committee for Honors at Graduation for two years in the School of Humanities, chairing that committee during the 1984-1985 academic year. . . . [material deleted]. I was a mentor in the [university's] mentorship program for minority students. I was one of the organizers of . . . a Saturday educational program designed to provide additional verbal and math skills to black youth in [the] county. Lastly, I was always available for advising students. Yet, despite these accomplishments, I was not granted tenure.
>
> Early in the tenure review process, which begins in the sixth year, the English department realized that it could not deny me tenure due to a lack of merit. Therefore, the department deliberately and systematically violated university tenure review procedures to effect a predetermined outcome. After several battles with the department's chairman, I filed a formal charge of discrimination with the university's affirmative action office. In the complaint, I listed the intentional violation of procedures by the department. I also listed the department's refusal to consider research in Afro-American literature as a valid scholarly endeavor and to allow me to teach courses in Afro-

American and other minority literatures. I had been employed in the department for four years before I was allowed to teach my first course in Afro-American literature. When I inquired, I was told by the chairman [name deleted] that Afro-American literature was not a priority in the department. Later, I was to learn that the department consciously did not consider Afro-American literature a part of American literature. When I refused in my seventh year to teach a graduate seminar if it was not in Afro-American literature, I was told by the chairman that I was reneging on my responsibility to teach American literature.

After a three-month investigation, [the] affirmative action [office] finalized its report and sent its findings to the Chancellor, [name deleted]. The Chancellor, . . . accepted Affirmative Action's findings and forwarded to me a copy of the report's conclusion. The report found racial discrimination in two of the four complaints I made against the department. But, after a series of meetings between [senior university administrators], the conclusion of the report was changed from racial discrimination to violations of the university tenure review procedures.

Despite the fact that other review levels. . . had made recommendations that were contrary to the department's, the Chancellor refused to make a decision on my tenure. Instead, he ordered a second tenure review. With racial discrimination eliminated by the affirmative action office as an issue, the [administrator] could conduct a whitewashed second tenure review. Naturally, I protested a second review, and the Chancellor informed me that the department would conduct a second tenure review with or without my cooperation. This action by the Chancellor was unprecedented at the university.

The second tenure review was a total whitewash. The English department kept my file in the department for four months, . . . , when an English professor, [name deleted], became Acting Dean of Humanities. I protested to the Chancellor in writing; he refused to respond. The [senior university administrator] [name deleted], who is a good friend with certain star' professors in the English department, was lobbied by the department. Although the Academic Affairs Manual states that I have the right to request that certain individuals not serve on the Ad Hoc Committee, Academic Affairs placed a distinguished professor from the department on the committee. He was the serving vote: Other members of the Ad Hoc Committee were changed. With these changes, all levels of review recommended a denial of tenure, except the scholars in the field of Afro-American literature who wrote a minority report that refuted all of the department's allegations leveled against my research.

Unfortunately, my case is not unique. I am hearing stories throughout the country of qualified black professors who are doing research that challenge existing curricular academic structures and who are being denied tenure.

I am appealing to the U.S. Commission on Civil Rights to use its power and authority, along with other Federal agencies such as Congress and EEOC, to investigate racist and discriminatory practices [at my university], and to require [it] to practice equity. I implore the Commission to initiate an independent investigation into the racism and the violations of civil rights at [my university]. Without your involvement, opportunities for hiring and promoting blacks and other minorities may be forever doomed.

CHAIRMAN ALLEN. Thank you.

Next, Dr. Reginald Clark.

Statement of Reginald Clark

DR. CLARK. Good evening, Commissioners. My name is Reginald Clark.

In my 6 years as a faculty member at [a private college] [name deleted] between 1979 and 1985, and since 1985, I have encountered some insidious, dangerous forms of bigotry, racial intolerance, and discrimination. From the very beginning, I was the victim of unfair treatment and built-in discrimination . . . .

When I was initially hired at [the college] in 1979, I had 2 years of experience as an assistant professor. I was hired . . . as an assistant professor at an annual salary of $18,000. My teaching load was unusual in the sense that I was given token responsibilities for teaching ethnically sensitive subject matter in my seminars.

Acts of institutional and interpersonal racism occurred with some regularity at the school. A number of students of color, for example, complained to me about perceived acts of unfairness against them by my white colleagues. And my research program was never adequately supported in comparison to some of my white colleagues.

Despite these and other impediments to my research and teaching efforts, I was able to develop an internationally and nationally respected research program and to publish several articles in places such as the well-regarded *Black Law Journal*, and I had one book published on my research by the internationally respected University of Chicago Press. The title of that book is *Family Life and School Achievement: Why Poor Black Children Succeed or Fail*. At the time I was fired, my book had been received very favorably. My book has received several dozen published reviews, with the majority of them being quite laudatory. None of my colleagues who were promoted while I was there had published a book at that time.

When I reached the point of being evaluated for promotion and tenure, I encountered built-in racial discrimination. There were entirely subjective and nebulous standards of performance criteria used to legitimate/justify the rejection of my tenure request. Never mentioned was a clear-cut objective standard for what constitutes a sufficient quality of scholarship or body of work to warrant tenure. Some of my work published by the *Black Law Journal* was not even reviewed. Also, a certain amount of deception, manipulation, racial hostility, and discrimination was evident from comments made by members of the education program's tenure review committee during the review process itself—remarks I inadvertently overheard and documented.

For example, they were saying things like, "Us white people have rights too." And "I think we all agree that he has the potential for greatness, perhaps, but how do we know if we give him tenure, he won't go out and do something crazy?"

And after some later comments, "Yes, that's why I really don't want to work with a black man on a permanent basis."

When I requested the official reasons for the termination in June 1984, I was treated callously and I was given an improper response. I was told that the individuals making the decision were constrained from even discussing the reasons because of confidentiality. I lodged a complaint to school officials, telling them I felt I was a victim of racial discrimination and wrongful termination.

When my complaint against the faculty committees was reviewed, all-white male groups of faculty and administrators ratified the negative action already taken. I feel that as a result of my complaint, school officials, from [the] president [name deleted]—who likes to going around claiming he is for justice and a friend of Martin Luther King, Jr.—on down, used unfair practices to intentionally hide the truth and to deny me due process.

The college remains unable to provide me with compelling evidence to justify their decisions to deny my request for tenure and terminate my contract. Thus, I am left with little recourse other than to pursue a tough, costly, and lengthy legal action. This legal action, and the ensuing harassment and stress it engenders, has seriously disrupted, and it could destroy, my professional career growth.

Four years after I was denied further work at the school, I am still fighting for justice—that is, due process and fair employment at the school. And I'm paying dearly for it.

Also, it appears that members of the independent college community believe they are immune to the letter and spirit of laws that promote racial diversity because of their private corporate status. Apparently, they believe that as independent colleges they are not subject to the same ethics and level of compliance with affirmative action procedures as are required of public institutions of higher learning.

I believe that when you take a close look at the situation at [my college], you will find that they do benefit from government aid and that affirmative action at the faculty level is not working. Numerous current and former black and Hispanic faculty and staff will testify to feeling that they have been unfairly denied jobs there, promotions, tenure, and have been mistreated in other ways over the last two decades. When I was fired in 1985, the graduate school hadn't had a tenured minority since its inception over 50 years ago.

I am bringing these issues to the Commission's attention because I am deeply concerned that in 1988 many of our best and brightest faculty members still have to endure the kind of occupational violence that, for example, I have endured since 1979. Please do something to help stop these immoral and racist abuses of power at private colleges such as [my college].

These schools are practicing a masked form of intentional racial exclusion. Other untenured black and Hispanic professors at the [my college] have complained about exploitative, discriminatory, ethically corrupt, and plain shabby treatment. Nothing has been done before now to discourage these patterns. These contemporary forms of bigotry that they use allow them to discriminate with considerable finesse and subtlety. They would prefer to carry on their "us versus them" variety of discrimination without being caught in the act or punished for it in any manner. When they are caught, as in my case, they simply became closed mouthed, later denied it, and took steps to cover their tracks.

Taken together, these patterns of discrimination that the three of us here today have faced reflect built-in biases and intolerance that work against the granting of tenure to black faculty. The three of us respectfully request that the Commission use its power and influence to initiate independent fact-finding investigations of the recent racial situation at three specific locations—[names deleted].

Further, we respectfully request that the Commission ask the Justice Department to do a factfinding examination and assessment of our individual and collective complaints. We are hopeful that such investigation will result in the providing of appropriate remedies.

In closing, it should be noted that the discrimination confronting black faculty at American colleges and universities are only the tip of the iceberg. The percentage of black faculty in higher education is small. However, when we consider that black nonacademic staff and black independent businesses also encounter racial animus and inequity within university settings, at that point the issue looms even larger indeed. Black staff, for example, from clerical to managerial, are faced with the same kinds of barriers to occupational progress that black faculty must overcome.

Thank you very much for your time.

CHAIRMAN ALLEN. Thank you.

Unfortunately, Mr. Clark used up the extra time for Mr. Ridley-Thomas, Harold, so you have 5 minutes.

Additional Statement of Harold Webb

MR. WEBB. This will be very brief.

Thank you very much, Commission, for indulging me again. When I undertook the receipt of these complaints, I was working in the Pomona Valley branch of the NAACP, and subsequently since that time I have transferred to another area. But I still support this, and the NAACP still supports this.

I want to reiterate what has been said and urge the Civil Rights Commission to undertake, through the Justice Department, a factfinding investigation because it is extremely difficult to weed out the racism in these institutions because it has become very sophisticated. I tried to allude to that earlier.

The Commission definitely has to be concerned with the discriminatory practices in all institutions of higher learning. . . .

And with that, I would like to read a report for Ms. Georgia Houston, a statement of racial discrimination at [name deleted] college. This report is by Ms. Georgia Houston Webb.

CHAIRMAN ALLEN. May I ask you to submit it to the record for us.

MR. WEBB. Submit it to the record?

CHAIRMAN ALLEN. Right.

MR. WEBB. Not read it?

CHAIRMAN ALLEN. No, I don't think that's appropriate.

MR. WEBB. Very well, I would like to submit this for the record.

CHAIRMAN ALLEN. Thank you very much. And indeed, all of you who have had prepared statements, if you would submit them we would appreciate it, and they will go into the record both as you read them and as you submit them.

[The prepared statement of Georgia Houston Webb is as follows:]

STATEMENT OF RACIAL DISCRIMINATION AT [name deleted] COLLEGE

I wish to comment on my endeavors to secure full-time employment at [my college]. . . . I believe that I have been a victim of racial

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discrimination, and I wish to shed light on this vague and nebulous, yet menacing practice of racism.

I was employed by [the college] four years ago as a teacher's assistant. At that time there were no available openings in my field, so I took this position to stay involved in the educational milieu.

I hold a master's degree in counseling. I graduated with a 3.8 g.p.a. on a 4.0 scale. I have six years of professional experience as a counselor and an administrator. I am highly recommended by past and present employers, both inside and outside of [the college].

During my employment at [there], I have acquired credentials from the California Community College System to give instruction in English as a Second Language, Tutorial Techniques and Basic Skills in Learning. I also acquired CCC credentials as a Counselor and an Administrator. Subsequently, I have worked for [the college] as an hourly instructor in ESL, Tutorial Techniques, and Basic Skills. I have also actively volunteered many hours to serve as an advisor to black students. My ability to effectively communicate with students has been demonstrated and documented . . . , yet after numerous attempts I have been denied employment.

My first application for employment at [the college] was for the position of Director of the Transfer Center. I applied for that position in August 1985. I did not receive an interview for that application.

Due to the above experience, I decided to work my way back into the counseling field which is certified, by going through the classified route. In April 1987 I applied for the position of Vocational Outreach Specialist. This position required an A.A. or A.S. degree and qualifications that I have performed. I was denied employment for this position. I received an interview for this position, which I was told established the fact that I was qualified, but I was informed that they found someone more suited. I question the meaning of the term "more suited." I have no understanding of the method used, or the standard of qualification used to determine the meaning of "more suited."

During the fall semester of 1987, I applied for and was interviewed for the position of educational advisor. This, too, is a classified position. It is a paraprofessional position. For two years at the University of Wisconsin-Eau Claire I trained paraprofessional counselors, and for four years as an administrator at Cornell University a major part of my duties included training paraprofessional counselors. I received an interview for my application, but I was denied the position. By now, administrators and instructors at [my college] were well aware of my ability to work well with students. People who sat on the interviewing committee can attest to this fact.

My fourth attempt to secure full-time employment at [the college] was made by applying for the position of counselor. This application was not only made for one position, but four positions were available in the counseling department. Again, I received an interview for this position, substantiating my qualifications, and again I was denied employment. The Personnel Director assured me that I was rated as qualified, but he stated that there were others more qualified. I must know what "more qualified" means and what standards are used to determine it.

I contend that racial discrimination is involved. I specifically believe that it is discrimination against blacks. For the seven positions I applied for, three Hispanics were hired, two Asians were hired, and two whites were hired. I fear that I am being used as a statistic to show that blacks were interviewed but found to be unqualified.

The Personnel Director also told me that [my college's] affirmative action goals and progress towards them had been approved by the state and that, in fact, [the college] had received letters of commendation for its progress. He stated the AA goal in the category where counseling is placed has been satisfied for blacks. Does this mean that they can discontinue hiring us? I contend that this perspective represents an abuse of the purpose of affirmative action.

In my quest to gain employment at [the college], I asked the Assistant Director of Personnel who serves as the affirmative action officer and sits on the interviewing committee to monitor personnel guidelines if she could shed any light on why I was not gaining employment. She suggested that I should hone my interviewing skills and offered to conduct a session on interviewing techniques for me. I took her up on her offer to glean more inside information, for I have conducted the sessions with students myself. I worked with placement services at UW-Whitewater, UW-Eau Claire and Cornell University. In addition, members of screening committees who had interviewed me earlier had commented to me that I was a very skilled and composed interviewee.

I make these statements because I am hard-pressed to find the true reason for not being hired at [the college]. I am left with the overwhelming feeling that I am a victim of racial discrimination.

CHAIRMAN ALLEN. Mr. Long.

Statement of John T. Long

DR. LONG. Good evening. I am Dr. John T. Long. I speak today as a private citizen, not for any persons with whom I am associated. My credentials include being a multicultural consultant and consulting with the television program "Free Style," which was shown nationally.

My comments today have to do with issues of caste and class in higher education. I have taught at every level of higher education. Today my comments are focused more on the community college level, and I entitled them "Caste and Class in the California Community Colleges."

W.E.B. DuBois, as you know, indicated that the problem of the 20th century is the problem of color. To a large extent, he was prophetic. In looking at the racial and ethnic exclusion and inclusion in terms of the California community colleges, what we see is that no college has attained the goal of proportional representation in terms of faculty and minorities, for example.

I think that there may be many reasons for this. Among these are, first, the denial of prejudice and discrimination based on ethnicity, and I include language and gender as well when I talk about ethnicity. Secondly, the adoption of affirmative action policies and equal opportunity practices. Third, a legacy of ethnic and racial exclusion. And, finally, in terms of my comments today, changing population demographics.

I think before a problem can be solved it first has to be acknowledged, and many administrators and educators believe that racism and sexism are social ills of the 1960s which have been solved in the 1980s. Some feel that since they are not personally prejudiced and sexist, no exclusion exists.

It is important to understand that prejudice and discrimination based on ethnicity and gender are permanent aspects of the institutional process and, I believe, of the American national character. Exclusion in the 1980s may be more subtle than in the 1960s but it's still exclusion.

I think that further affirmative action is an important innovation in the social evolution in American society. Now, since exclusion based on differences is assumed to be a permanent part of institutional processes, I believe that some existing, ongoing institutional means of combating discrimination and prejudice is necessary.

What we see in terms of the community colleges, further, is this means that if a community college does not have any qualified minorities, i.e., affirmative action, or women on staff, it might go out and train some or might find some. What I'm calling for is a change in the way in which institutions practice the process of inclusion. Many don't see that there are many qualified minorities who are available. What I hear around the State of California is many minorities saying that they can't find the jobs, and then the institutions are saying they can't find the minorities.

Now, that is a situation which is a paradox.

The legacy of racial and ethnic exclusion continues to affect hiring and promotion practices in a variety of ways. First, a sense of discomfort and intolerance toward people who are culturally and economically different exists among some persons on hiring committees. What I am calling for here is cultural sensitization.

I heard earlier someone talk about vulnerable minorities. In my talk at Stanford in April, I interjected the term "unmeltable ethnics" to refer to persons of color. I think that to a large extent this is the group we have to deal with.

A perception may exist that an institution is racist. That in and of itself is a problem. And I think what we need to do is to deal to a great extent with attitudes, not only in terms of the institutional managers and faculty members, but certainly also in terms of ethnic minorities as well.

Procedurally, the failure to include representative racial and ethnic minorities and women in every stage of the hiring process may result in the hiring procedures being structured so that racial and ethnic minorities and women are excluded from consideration. For example, job descriptions may be written with excessive requirements which correlate poorly with the actual job task.

Further, it is important that persons representing all segments of the college communities be involved in writing the job descriptions; secondly, determining where the jobs will be flown; third, screening the applicant selected in the initial interview; fourth, determining who will be selected for a second interview; and, fifth, recommending the finalist for selection.

It is also crucial that ethnic minorities who meet minimum qualifications for hire be included in the pool to be interviewed. The California Community College Association passed a policy in the spring of 1988 stating that persons who are ethnic minorities and/or meet the minimum qualifications can be considered, as far as the association is concerned, for hire.

I know that time is short here. Let me just mention that California again is rapidly, as many have mentioned, becoming a majority-minority State. However, we are in danger as ethnic minorities of not only not moving ahead but falling behind. The reason for that is many persons who obtained their jobs in the 1960s have now become retirement eligible, and often there are no replacements on the horizon. Obviously, this speaks to a need for qualifying additional persons.

There is much more to say, and the time is short. I thank you very much.

CHAIRMAN ALLEN. I appreciate that.

Permit me to say ordinarily the Commission doesn't respond to comments made in public session, and therefore we won't do so on this occasion, save that I must at least enter into the record an acknowledgment of what might appear to someone else to be my own conflict of interest. I do know Dr. Clark personally, and of course I know Messrs. Webb and Ridley-

Thomas with their respective organizations, and therefore I am somewhat familiar with the cases that have been presented. I don't think, however, that I need to recuse myself in the present circumstance. We have heard the testimony you have given and will pay due heed to it.

I thank you. I will summon the next panel up.

The next panel will consist of Dr. Julian Lee, Georgia Houston—

MR. WEBB. She's not here.

CHAIRMAN ALLEN. That's right, we heard of that, and that's the statement.

MR. WEBB. Right.

CHAIRMAN ALLEN. I understand. Okay; excellent. Thank you.

Don Tolin, and Gwen Thomas. Would you please come forward?

MR. TOLIN. Mr. Chairman, I am Don Tolin, and because of the lateness of the hour I would prefer a statement be [inaudible].

CHAIRMAN ALLEN. Very well; thank you.

Ms. Thomas from our SAC.

MS. THOMAS. I make no such gracious gesture.

CHAIRMAN ALLEN. Will you give your name to the recorder, please.

Statement of Gwen Thomas, Colorado Advisory Committee to the U.S. Commission on Civil Rights

MS. THOMAS. I am Gwen Thomas. I belong to the Colorado Advisory Committee. I am here in place of Maxine Kurtz, who is the Chair.

I wanted to mention two or three things that are going on in Colorado that I thought might be of interest to you.

First, the Colorado Black Roundtable was mentioned by Rich Castro when he made his presentation. I would like to mention that in that organization we have every black elected official in the metro-Denver area. Consequently, when a black staff person was fired at the University of Colorado because that person had made a statement that the university is racist, we sent a representative group of the Colorado Black Roundtable to negotiate with the chancellor, and the person was rehired.

We are developing our own approach to some of these kinds of problems. We have decided that broad community representation is necessary in order to prevent some kinds of racism from continuing.

Another thing that I would like to mention is that as the chair of the Urban League, which I was of a year ago, I reconvened the black-Hispanic dialogue. And we concluded that dialogue was not enough. We ended by developing what is called the People of Color Coalition. It includes, in addition to blacks and Hispanics, Asians and Native Americans. And we have decided that our areas of activity would be education and economic development. Some of you may know that Denver is building a new convention center and a new airport, and we are determined that minority contractors and concessionaires and architects and engineers shall participate in all of these endeavors. The People of Color Coalition has managed to accomplish that, at least with the convention center, which is a little bit further along the way.

The third thing that I wanted to do was ask a question that had to do with the HUD presentation earlier today. You were told that HUD was willing to provide for closed houses for the homeless. I would like to know whether or not the further requirement that HUD consult community members in the areas where those houses are located has produced any claims of discrimination. It seems to me that that requirement would lend itself to opportunities to express discriminatory tendencies. And I wondered about that.

Thank you.

CHAIRMAN ALLEN. Thank you very much. And, of course, we can't speak for HUD, but I think we'll see to it that your question is passed on.

Thank you all.

Tomorrow morning we will reassemble at 8:15 a.m. here in the Gold Room for the second day of our forum, which will conclude at approximately 2:45.

[Recess.]

Proceedings

CHAIRMAN ALLEN. The regional forum on Changing Perspectives on Civil Rights is reconvened.

I would like to call Deborah Hesse to come forward to the witness table, please. Deborah, I at least want to give you the courtesy of an introduction now that we have you with us, to let everyone know that this is Deborah Hesse, who is Chairman of the California State Advisory Committee, and who we are delighted to have with us this morning. Deborah.

Welcoming Statement of Deborah M. Hesse, Chairperson, California Advisory Committee to the U.S. Commission on Civil Rights

MS. HESSE. Thank you.

Mr. Chairman, honorable members of the Commission on Civil Rights, guests, invited speakers and participants, good morning. On behalf of the California State Advisory Commit-

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tee, I welcome you to our State, the nation State, the seventh largest power in the world.

You have called a meeting here today to discuss issues that are very important to all Americans, regardless of whether we are Californians or not. Changing perspectives on civil rights were really brought home this week with the announcement in California that a majority of the pupils in our public schools are members of minority communities or, said another way, less than 50 percent of the students in the public schools are Caucasian.

Everything changes, and at the same time nothing changes. The experts tell us that in the year 2000, in our State, California, minorities will become the majority. It has been that way in South Africa for 3 years, but like a virulent strain of a deadly virus, racial bias continues to flourish in that country. Although we have made considerable strides in the United States, religious, racial, sexual orientation, age discrimination is still pervasive. It's an unfortunate part of the American ethic and also despite the 30 years' work of this Commission.

We in California are pleased with the agenda that you have set through this forum. The work that is stimulated by this forum is important because the very nature of the change in the civil rights problem in this country is changing very subtly, very, very subtly, and very obscurely. The potential for the results of the changes which are now taking place, if not identified and acted upon by an organization like the Commission, would be disastrous to the whole country.

We, the California Advisory Committee, applaud your efforts in bringing the issues to a public forum. We encourage you to continue to be the lightning rod and the beacon for civil rights. We Californians whom you serve and at the same time draw upon will follow the charge that you have sounded through this forum.

Thank you.

CHAIRMAN ALLEN. Thank you very much.

Commissioner Destro.

COMMISSIONER DESTRO. Thank you, Mr. Chairman. Before we get started with our project this morning, I'd also like to welcome Ms. Hesse and thank you very much for your warm introduction, and I'm sure we'll be speaking with you a bit later.

What I'd like to do is take a few minutes here at the beginning to make a few acknowledgments which I think very much need to be made with respect to the people who have helped us so much in putting this together. Not only have they worked their fingers to the bone, but they've been very supportive in many, many other ways as well.

I'd like to acknowledge especially the people from the Western Regional Office here in Los Angeles: Phil Montez, the Regional Director, John Dulles, Tom Pilla, Art Palacios, Grace Hernandez, and Priscilla Herring. Without their help none of this would have come off as well as it did, and we owe them a tremendous debt of gratitude, and I know that we will be relying on your assistance as we do the rest of this project, and we really do appreciate it.

And I think especially we should acknowledge the hard work that Sydney Novell put into this. Without her we wouldn't have been able to do just about anything. She has done just a tremendous job, and we really are very grateful. And we will be relying on her for the rest of the forums as well.

So thank you, Sydney, and thank you all to the staff here. We do appreciate your efforts, even if sometimes it doesn't seem like we do.

And with that, I think that, as the morning goes on, as various members of the State Advisory Committees come in, we will also be recognizing them. I don't want to do that right now. We'll wait until the first break and recognize those of you who are here, and we appreciate your attendance as well.

So, as Ms. Hesse just pointed out, we do rely on you for our eyes and ears here in the region, and we appreciate your coming. You really didn't have to come to this. And we will certainly appreciate hearing what your impressions are of the materials that we have been gathering this morning.

So with that I think we are ready to begin our first panel this morning, "Reflections of the News Media," and so if we can have our panelists join us here at the table we can begin.

Reflections of the News Media

COMMISSIONER DESTRO. Good morning to all of you. I am going to dispense with lengthy introductions so we can get right down to business.

Our first speaker, and we welcome you this morning, is Mr. Louis Freedberg of the Pacific News Service in Berkeley, and we look forward to hearing what you have to say.

MR. FREEDBERG. Good morning.

COMMISSIONER DESTRO. Thank you for coming.

Statement of Louis Freedberg, Pacific News Service, Berkeley

MR. FREEDBERG. I'm delighted to have the opportunity to talk to you today about the issue that I've been reporting on intensively for the last couple of years: Latino political empowerment and obstacles in the way of their full participation in the political process. I've also been looking at the close relationship between the lack of political empowerment and the enduring crisis in Latino education.

Pacific News Service is a national wire service based in San Francisco. We attempt to go beyond standard daily news reporting and to identify emerging trends that may have been ignored by the rest of the media. One area where the media has tended to fall short is in the coverage of Latino Americans. It is only with such issues as the 1986 immigration bill and the Miami and Atlanta prison riots that there's been a serious focus on the problems of Latinos.

It is only with this kind of coverage that the issues of Latinos in America move into the national spotlight, and unfortunately, these issues often reinforce inaccurate stereotypes about Latinos. Of course, I exempt all the fellow panelists from comments that I'm making on the media.

There is little reporting about the day-to-day issues and dilemmas faced by Latinos in America and reporting on the dazzling diversity amongst Latinos that makes it difficult to even use that catch-all label. With the help of grants from the Ford Foundation and the Rosenberg Foundation, Pacific News Service has placed a major emphasis on reporting on Latino America as a way to fill the obvious vacuum in media coverage on Latinos.

What has emerged from our reporting is that, especially in the case of Latinos, the media has too often looked in the wrong place for the signs of political empowerment. Rather than a sleeping giant, there is an exceptional dynamism at the grassroots, away from the national media spotlight, away from party conventions, away from national organizations. A new kind of leadership has emerged that has stayed close to the community at the same time that it is developing a new type of consensual politics. It is this consensual politics that may mark a unique Latino contribution to the American political landscape.

By the year 2030 Latinos will comprise 38.1 percent of the State's population, and one certainty of California politics is that Latinos will eventually become the State's leading minority force. Like the great California earthquake, it is hard to predict when this will actually happen. But what we are seeing now is the gradual transformation of a community that has been essentially disenfranchised to one that will eventually be fully integrated into the political mainstream.

Four years ago, Reverend Jesse Jackson first ran for President and began registering record numbers of black voters who were previously alienated from the political process. Jackson had dramatic success in reaching deep into the black community and involving young blacks, traditionally the age group which has only marginally participated in the body politic. At Pacific News Service we wanted to see whether there were similar leaders of the stature of Jesse Jackson who were having similar successes in reaching Latinos, especially young Latinos, whose participation in the political process has been dismally low. In the 1984 presidential election, for example, only 22 percent of 18- to 24-year-old Latinos voted, compared to 42 percent of whites and 41 percent of blacks.

Two years ago I traveled across the country in an attempt to identify the Latino leadership in key urban areas across America. What became clear was that there were no national leaders of the stature of Jesse Jackson in the Latino community for several reasons, but that a more diverse local leadership that has yet to make its imprint on the national political scene has evolved in its place.

The ethnic diversity of the Latino population has mitigated against leaders emerging who cross-cut ethnic and regional divides. Another reason national Latino political leaders have not emerged is because of the striking divergences of opinion within Latino communities.

One manifestation of these divergences is on the Hispanic Congressional Caucus in Washington, whose 14 members frequently vote on different sides of key issues affecting the Latino community. The caucus was split down the middle on the 1986 immigration bill, some favoring penalties for employers who hire undocumented workers and others opposing it. In foreign policy, most notably on Central America, there are also substantial divisions.

At the grassroots political level, there is also remarkable diversity. In California, for example, in 1986, 41 percent of Latinos in California voted for Proposition 63, the English-only initiative, and 59 percent voted against it. Forty-six percent voted for Governor George Deukmejian, and 52 percent voted for Los Angeles Mayor Tom Bradley. With this kind of political diversity, it is no wonder that it has been difficult for national leaders to emerge who can articulate issues that appeal to a majority of Latinos in the way that Jesse Jackson can appeal to a majority of black Americans.

The lack of unanimity on a wide range of basic issues has obscured the fact that a different kind of leadership has emerged in Latino communities across America. It is a grassroots leadership that has emerged in a much less dramatic way than the black leadership that emerged in the 1960s. Blacks began moving into the political mainstream on the crest of a mass movement that touched on every corner of American society. Latinos, however, are having to mobilize at a time when the sit-ins, marches, and demonstrations of the 1960s are a distant memory, and the Chicano activism of the 1970s has been replaced by more conventional means of political activism.

What are some of the defining characteristics of this new leadership?

Most of the new leadership are in their early thirties or early forties and grew up in the shadows of the civil rights movement. Most benefited from the door that blacks helped open in academia, business, and politics. They are well educated, with a predominance of lawyers in their ranks. They stress economic development issues as much as they push for political enfranchisement. Although most are Democrats, they are unafraid to challenge traditional party politics, which they argue has for too long intentionally excluded Latinos. Their focus is on building a power base in their own cities, rather than building a national Latino movement. Let me state, by the way, that very few are women.

Let me cite just a couple of examples. In Chicago, perhaps the most racially and politically fractured city in America, two young Latinos, 34-year-old Luis Gutierrez and 32-year-old Jesus Garcia, became the first two Latinos elected to the Chicago City Council who had not been handpicked by the predominantly white-ethnic machine there. Their success was in large part based on the fact that they were able to build a coalition with the progressive forces headed by the late Mayor Harold Washington. They were also able to unify perhaps the most ethnically diverse Latino community in any major American city.

Garcia and Gutierrez gave Washington the votes he needed to take control of the city council. Their success was not achieved without tragedy. It followed closely on the heels of the 1983 assassination of Rudy Lozano, the young Latino activist who first articulated the vision of a united Latino, black, and white progressive coalition. Ironically, when Mayor Washington died and Chicago politics fractured into a thousand pieces, the four Latinos on the city council, including the "machine" Latinos, united to support Alderman Timothy Evans as candidate for mayor, in stark contrast to the deep splits amongst black elected officials who had been previously unified under Washington.

Another dramatic example of an emerging consensual politics is in Denver, where Mayor Federico Pena was first elected in 1983 in a community with only a 17 percent Latino population. A large part of Pena's support came from young urban professionals, both minority and Anglo, who had streamed into Denver in the mid-to-late 1970s, lured by an economic boom sparked by soaring oil and natural gas prices. His victory also had a good deal to do with his emphasis on creating an amalgam of groups that had previously felt shut out of city hall.

In his 5 years in office, Pena has brought Latinos into top positions in his administration. But he has always insisted that each group, including Latinos, should get their fair share, not more than their fair share. Pena said to me when I talked to him earlier this year, "From the first day of my campaign I said I wanted this administration to be a fair reflection of the city, which meant that if the Latino community was 18 or 19 percent of the city, my appointments should also be 18 or 19 percent."

And that is, in fact, what has happened in Denver. Pena has been able to demonstrate that Latinos don't have to be perceived as a special interest group and is articulating a politics in which each constituency gets what it is entitled to, no more and no less.

But the issue that seems to unite Latinos across America, in spite of the diversities that I referred to earlier, is education. Irrespective of ethnic background, geographic location, education is the one issue that unites Hispanics across America.

One of the things we were interested in doing at the Pacific News Service was finding out whether a Latino educational leadership was emerging that paralleled the emergence of a Latino political leadership. In fact, the place where Latinos have made the greatest inroads into the political arena has been on local school boards. Of a little over 3,000 Latino elected officials nationwide, about 1,200 are school board officials, which makes up the largest category of elected officials.

Yet, Latinos are underrepresented on school boards as in other political arenas, according to research conducted by the Southwest Voter Registration Project. In California, for example, the disparity is fairly significant. Only 6.6 percent of school board members are Latino in California, compared to their 23 percent share of the State population.

But in spite of these problems, Latinos are running in greater numbers for school boards and are winning. Another positive development is that a Latino educational leadership is emerging, consisting of principals, administrators, and outstanding teachers. The most celebrated example, of course, is Jaime Escalante at Garfield High School here in Los Angeles, but even at Garfield, Escalante is not an isolated success story. Close to 20 teachers at Garfield are offering advanced placement classes in subjects ranging from French and chemistry to U.S. and European history. Only 1 other of Los Angeles' 49 high schools has more students passing the advanced placement tests, a remarkable achievement for a school that's 94 to 95 percent Hispanic.

At the superintendency level, a growing number of Latinos are being appointed to superintendent positions. For example, this year I visited several school districts around the country, including Hartford, Miami, San Antonio, Albuquerque, Oakland, and San Francisco, all of which have Latino superintendents. Ten years ago there were only a handful of school districts which had Latino superintendents.

One of the things we wanted to look at was whether these superintendents were making a difference for Hispanic students. In other words: Does having a Latino superintendent in fact trickle down to what happens at the classroom level? That is something that is difficult to assess, but our sense was that in these school districts Latino superintendents have become major spokespersons for the problems and issues of minority students, and Hispanic students in particular, and are spearheading programs, such as dropout prevention programs and bilingual programs, which have an immediate relevance for most Latino students.

However, at the same time, the emergence of an educational leadership has been severely hampered by several factors, including the underrepresentation of Latinos on school boards and the underrepresentation of Latinos in the teaching profession, and these areas will have to be addressed in the public policy arena.

But in spite of shortcomings, models on which to build future successes are in place. The emerging Latino political leadership in city halls and school boards around the country has demonstrated the need to build coalitions and to articulate a consensual approach to politics. And in the schools, an emerging Latino educational leadership has demonstrated that it can make a difference for Latino students. What we have learned is that there is an impressive dynamism at the grassroots, and what must be encouraged is the emergence of a leadership from the bottom up, rather than from the top down.

Thank you very much.

COMMISSIONER DESTRO. Thank you.

Mr. Dan Walters from the *Sacramento Bee*. Thank you for coming this morning. We look forward to your comments.

Statement of Dan Walters, Columnist, *Sacramento Bee* and McClatchy News Service

MR. WALTERS. Thank you.

My name is Dan Walters. I'm a political columnist for the *Sacramento Bee*, a newspaper, and McClatchy News Service. I write a daily column 6 days a week, and it runs in about 45 or 50 newspapers in California. I'm also the author of the book *New California*, published a few years ago, that goes into social and economic and demographic change in California.

As Mr. Freedberg said, there is an emerging Latino political leadership in this country, but as implied by lack of citation in California, it's not very evident in California. There are very few parallels, if any parallels, to Mayor Pena, for example, in California. In fact, California has, by all accounts, the lowest level of political participation by Hispanics of any State with a major Hispanic population.

It's interesting to note that about 12 or 13 years ago the lieutenant governor of California, a black man by the name of Mervin Dymally, now a Congressman, started using the term "first third world State" to describe what was happening in California. What he was saying by that shorthand term was that within the foreseeable future California would become a so-called "majority-minority" State, or at least a State in which Anglos were no longer a majority population. Proportionately, Anglo population has been decreasing in California rather dramatically. It's now down to about 60 percent today and is expected to drop below 50 percent by early in the 21st century. The current estimate is around 2003. Obviously, the non-Anglo populations are growing.

What essentially is happening is that California's Anglo population is stagnant. It's numerically fixed. Migration from other States, which was the great increaser of Anglo population in California, has decreased, and there is very little net migration from other States to California. And birth rates have fallen to a less-than-replacement level.

So the Anglo population is relatively fixed, but California's population as a whole has continued to increase very, very dramatically. The numbers of that population are rather staggering. In this decade alone, California has added some 4 million in population. That's the equivalent of eight Wyomings. In population gain alone that represents about a fourth of all the population growth experienced in the United States being experienced in California in this decade. And most of that, the vast majority of that population growth, all but a few thousand people really, is in non-Anglo peoples. The Asian population in California has doubled in the last 10 years.

When Merv Dymally started using the term "first third world State," he implicitly envisioned that at some point in the not too distant future California's political system would become dominated by the non-Anglo people who would also become a numerical majority. And I think in reviewing the recent political history of California, one might say that that is a fear, as well, that the Anglo majority has sometimes had.

However, interestingly enough, the politics of California have not shifted leftward as Merv Dymally might have envisioned, but they have shifted rightward in the last 10 or 12 years—reactively, one might also conclude.

The data of that political change are fairly significant. If one goes back to the middle 1970s, one finds a State that was dominated very strongly by the Democratic Party. The Democratic Party held, for example, 57 of the 80 seats in the State assembly. It was dominant in the congressional delegation. It held all the statewide offices save one, and it was identified or was favored by about 60 percent of California's voters, however you measure it, by voter registration or voter preference polls. The Republican Party was the mirror image on the other side. It had shrunken to 23 seats in the State assembly. Only about 30 percent, slightly over 30 percent, of California's voters called themselves Republicans. And it was a Democratic-dominated State. Even Orange County, the fabled Orange County, at one point had a Democratic plurality. I remember Jerry Brown, who was the Governor at the time, jumped on an airplane and flew down to Orange County and declared it to be a Democratic stronghold. It lasted about 15 minutes, and then it was all over.

[Laughter.]

I think the Republican plurality of voter registration in Orange County today is on the order of a quarter-million. But at one point, one brief point, in the 1970s it actually had a Democratic plurality of voters—in fact, elected a number of Democrats to the State legislature and to Congress. Some of them later wound up in jail, but that's another story.

[Laughter.]

At any rate, this period of Democratic dominance in California's politics was shortlived. Beginning in 1978, a reaction clearly had set in. Proposition 13 was the most dramatic evidence of that, but less noticed, at least nationwide, was the fact that Republicans made huge gains in the State legislature in that year and have continued to make gains ever since. In the last 5 elections, for example, Republicans have picked up 13 seats in the State assembly and now have 36 seats—well, only 35, because one man died the day after the June election. But they claim 36 seats, at any rate.

So there's been a 13-seat gain for the Republicans in the State assembly, and the voter registration data has indicated a commensurate shift. From a high point of close to 60 percent of voter registration, the Democratic registration in California now hovers just above 50 percent. And Republican registration, slightly over 30 percent in the mid-1970s, is now about 40 percent.

But even those numbers are a little bit misleading because there is a significant amount—and this is interesting, I think, for a Civil Rights Commission—of what the voter registration officials call "deadwood" on California's voter registration rolls. It's difficult to say how much it is. The official number runs around 9 percent, which would indicate that about a million names on California's voter registration rolls are of people who do not exist. Other estimates have put it to as much as 2 million. But somewhere between 1 million and 2 million names on those voter registration rolls are of people who just don't exist. They've moved or they've died or whatever, and their names have continued on the rolls because of a change in law that went into effect in the mid-1970s that made it essentially easy to get on the voter registration rolls and hard to get off, no matter what happened to you thereafter.

If you account for that deadwood, probably the Democratic registration in California is even lower. It's probably a point or two lower than the official number. It's probably somewhere around 47, 48, or 49 percent, and the Republican registration is 41 or 42 percent. So there's been about a 20 percent closing of the registration gap in a very, very short period of time, only about 12 or 13 years.

If you look at voter identification, the annual poll that's done in California, just asking voters, "What are you, Democrat or Republican?" it's even more dramatic. At the high point of the gap in the mid-1970s, it was 59 percent to 32 percent, almost a 2:1 margin. The last several polls have been a virtual tie of 45:45, 45:46, in that range.

So functionally the two parties are tied, and in the case of *realpolitik* a tie goes to the Republican Party because of greater loyalty and greater voter turnout. That means that California has shifted from being a Democratic-dominated party in the mid-1970s to at least parity, and perhaps Republican edge, if not dominance, by the late 1980s.

The data of that are also intriguing. The landslide victory that George Deukmejian racked up in 1986 is one example of the fact that no Democrat has won a presidential election in California since 1964, and only twice, in fact, in the last 40 years. California has shifted not to the left politically as Mervin Dymally indicated he thought it would as the non-Anglo populations grew in relative size, but in fact has shifted to the right, not in classic Democrat-Republican terms, not in classic liberal-conservative terms, but in more fundamental sorts of ways dealing with specific issues.

I think that Proposition 13 in 1978 was the first dramatic evidence that that sort of reactive, self-protective politics had set in in California, and the dominant mood, in fact, of the electorate in California over the last decade or so has been one of self-protection; that is, protecting oneself against crime, taxes, toxics, growth, or whatever else the particular threat is perceived as being—i.e., dominance by non-English-speaking people. Whatever the prevailing threat is seen to be, the prevailing mood in the California electorate is reflected in statewide voter results as one of self-protection.

I think the clue as to why that has occurred can be found in the profiles of the actual electorate of California. What seems to be happening is this: California's population over here [indicating] is growing very rapidly and growing more diverse very rapidly, as witnessed by the data that I'm sure you've already heard. But that change is not being mirrored, not being reflected, in the voting population over here [indicating]. It's as if two parallel populations were existing in the same space, a very rapidly changing general population and a rather fixed, both numerically and characteristically, voting population over here [indicating].

The reasons for that I'll go into in a minute, but the evidence, the data of that, are rather dramatic. Anglos comprise about 60 percent of California's population today, headed, as we noted earlier, toward a minority status within 15 years. But in 1986, 85 percent of California's voters in the statewide election were Anglos. Asians are almost 10 percent of California's population, but only 2 percent of the voters in 1986 were Asians. Hispanics are, as noted earlier, about 23 percent of California's population today, but only about 7 percent of the voters in 1986 were Hispanic. In fact, there are about as many black voters in California, about 7 percent on an 8 percent population basis, as there are Hispanic voters. There are three times as many Hispanics as blacks in California, but the voting pool of blacks and Hispanics is about equal. But the most interesting number of that, obviously, is that 85 percent of the voters are Anglo.

So the voting bloc in California, the electorate, is more reflective of the economic and demographic and social characteristics of the Anglo population than it is of the State as whole. That indicates, for example, that California's voters are considerably better educated, more affluent, than the general population and, I think, most interestingly and probably most importantly, significantly older than the general population. Half of California's voters are over 50 years old. And that number is growing. The research would indicate and the projections would indicate that even when Anglos are a minority of the State's population 15 or 20 years hence, they will be something like two-thirds of all the voters, and a much older two-thirds than they are now.

So when you have a general population over here that's increasing and increasing in diversity, that creates certain sorts of demands, public policy demands—more of everything: more highways, more schools, more of everything to serve a larger population, a school system that can handle the fact that there are 100 languages spoken in Los Angeles schools, those sorts of things; more and more complex demands on the public policy system on the infrastructure over here [indicating], but an electorate over here [indicating] that has indicated time after time after time, as recently as the last election in June as a matter of fact, that it wants low taxes; it wants a tough attitude towards crime; it is not interested in that expansive sort of attitude towards public services that the population over here [indicating] might well demand.

It creates, in effect, a gigantic dilemma for policy makers in California, for politicians, who have to go to this electorate over here [indicating] to get themselves elected, and have to deal with the demands over here [indicating] for the services that are required. As that gap grows, that dilemma becomes ever more acute. It's a dilemma that the policy makers, those in Sacramento particularly, have not been able to resolve. There is no resolution to that dilemma.

The tendency of the policy-making apparatus is simply to do nothing, to simply let the issues slide. So we have gone years and years and years in California without any real serious effective efforts to address things like transportation and water supply and all these sorts of infrastructure things and all these sorts of service issues that are required by this expanding population. It's a kind of a gigantic, rolling political gridlock of a sort, and it's not easily broken.

Now, the first question that arises out of all this, of course, is, "Well, won't at some point the non-Anglo population become politically dominant?" and I say, "Sure, by the simple fact that white people are going to die off, sooner or later they'll become politically dominant." But for the foreseeable future, for the next generation or so, these forces that are driving the wedge between these two groups, the population and the electorate, are not likely to be mitigated. There is very, very, very little effective political leadership in the non-Anglo community of California, and it's particularly true of the Hispanic community. As I said, there are no counterparts to Mayor Pena or Mayor Cisneros or somebody like that to be found in California.

I think the reasons for that lack of political participation—and these are really my own judgments on this—are multi. They're not to be found in any one single place.

One reason, oddly enough, is the political system of California itself. As one might recall, Hiram Johnson kind of destroyed the political parties in California in the early 20th century. He saw political parties as vessels of corruption and deliberately set out to make them very, very weak, and he succeeded in doing so because the parties at the time were dominated by the major economic interests, the railroads and so forth. In creating a weak party system, what was created instead were things like strong civil service, nonpartisan local government, and so forth and so forth and so forth.

This means that, unlike other melting pot societies, government itself is an ineffectual organizing tool in California. There are no precinct captains, ward heelers, whatnot, to bring newcomers to California, to fold them into the political system automatically as they were folded into other melting pot communities in the eastern United States. Politics in California have evolved into matters of media and money, rather than street-level organization. So there's no automatic procedure to bring newcomers into California. I think that's reason number one.

Reason number two is that the party structures that do exist have no particular reason to go out and organize the newcomers to California, the non-Anglo newcomers to California. The parties in California are dominated by the legislature. Legislative leaders control the money and the resources. The party structures themselves, separate from the legislature, are almost nonexistent. Legislative leaders are, by their nature, defenders of the status quo, or operate within the confines of the capitol itself, which means they have more limited sorts of goals. They want to enhance or protect the numbers they have achieved within the legislature.

Let me show you how that works in a *realpolitik* sense.

The assembly district in east Los Angeles is represented by Lucille Roybal-Allard. It is the most Hispanic of all the assembly districts to be found in California. It also happens to be, noncoincidentally, the assembly district with the lowest voter registration of any district in the State. There are about 56,000 or 57,000 registered voters in that assembly district. The average assembly district in California has about 165,000 to 170,000 registered voters, and some of them, in fact, go over 200,000 registered voters. Fifty-seven thousand, about one-third of the average, will be found in this district.

That district produces one Democratic assembly member and will always produce one Democratic assembly member.

Why should the speaker of the State assembly put one single, solitary nickel into registering voters in that district? It's only going to produce one Democratic assembly member no matter how many registered voters exist in that district. And it's the speaker of the State assembly or his counterpart in the State senate who really controls the political resources of the Democratic Party. So the speaker of the State assembly puts his voter registration emphasis not in inner-city districts like that in east Los Angeles, but puts his emphasis out in suburban districts where he has Democratic members in danger of being engulfed by newly produced Republican suburbanites. So he puts his money out in the suburbs. He does not put his money into inner-city districts. Now, he won't tell you that, of course, but that's the reality of it.

So that's another reason why there has not been a significant voter registration.

The Republican Party, I might add, has prospered in California with a restrictive, nonrepresentative electorate. They have been expanding their rolls, so they're not going to upset the applecart as well.

The third reason is, the numbers aside, the Democratic Party in California, which one could consider the natural vessel for the enfranchisement of minorities, fears the newcomers to California. They fear the Asian and Hispanic newcomers because there is a social conservatism about both Asians and Hispanics that manifests itself very often in a political conservatism. As this gentleman before me noted, George Deukmejian got about 46 percent of the Hispanic vote, for example, in his election. And the Democratic Party fears that they will have a significant dropout of the voters to the Republican Party. In fact, if you go into the Hispanic middle-class suburbs out in the San Gabriel Valley, one finds an interesting phenomenon. The level of voting participation goes up fairly dramatically, but also goes to the right fairly dramatically. Even though they remain nominal Democrats, they tend to vote very conservatively and very often Republican at the top of the ticket and on issues and so forth.

That's another reason.

The final reason is a purely subjective judgment in my case, but I think it is that the newcomers to California, of which there are many, are coming from places of authoritarian regimes of the right or the left. They're coming from Mexico, Guatemala, Honduras, the Philippines, Taiwan, Korea, places where just the act of voting and having that vote count for something is an alien concept. And I think it simply takes time, a generation or two or three, for that to occur.

Most puzzling of all, and one that I keep asking people about constantly without ever getting a satisfactory answer, are Asians. The Asians in California are really doing well economically and educationally for the most part. In fact, one theory of California's evolution is that we're creating a two-tier society in this State, a mostly Anglo and Asian overclass and mostly black and Hispanic underclass, and a declining middle class. If that's true—and I tend to think it probably is because of the changing nature of the economy to a postindustrial economy—if that's true, Asians are part of that overclass. They're doing well educationally and economically, so well, in fact, in college enrollment that there are unspoken efforts to hold down the numbers of Asians in the university system in California because some people think they're doing too well, in effect.

If that is true, then why then are they not politically active? As I mentioned, they have the lowest level of political activity of any ethnic group, much lower, in fact, than Hispanics—almost 10 percent of the population and only 2 percent of the voters. Why?

I keep asking that question and I keep getting back various answers, but the predominant answer seems to be, "I just don't see politics as a worthwhile endeavor, something that's important, something that has some impact on my life, or impact on the life of my family. Career and education and other things are much more important."

I think there are some cultural factors as well as the external structural factors at work here.

My prediction is that California is headed for a period of stratification, economic and social stratification, that is going to manifest itself politically. I think there is, in fact, even a danger that California is going to evolve a kind of a tribal mentality in which the residents of one area are pitted against the residents of other areas separated by economic circumstance, by ethnicity, by geography, by all sorts of things. I think California is in grave danger of evolving into a kind of a Beirut or a Northern Ireland type of mentality. The signs of that sort of struggle are beginning to be felt even in such things as the antigrowth movement, which very often pits white upper class people against the aspirations of minority people.

It is a grave danger for California. We're going to move into that. And the politics of California, I think, are either going to reflect that unrepresentative overclass or, more likely, simply be impotent. "Simply be impotent" refers to means of effecting social change as the policy makers are paralyzed by the growing disparity between the characteristics of the general population and those of the voting population of California.

Thank you very much.

COMMISSIONER DESTRO. Thank you, Mr. Walters.

Our next speaker is Mr. Thomas Elias, who is the West Coast correspondent for Scripps-Howard. Thank you very much for coming, and we look forward to your comments.

Statement of Thomas Elias, West Coast Correspondent, Scripps-Howard Newspapers

MR. ELIAS. Thank you very much, sir.

I am Thomas Elias. I write a syndicated column that appears in 35 California newspapers, and I am the West Coast correspondent for the Scripps-Howard newspapers and their service which has a clientele of 320 American newspapers and lots more around the world.

You asked me to come here today to discuss what I believe will be the leading civil rights issues of the next 20 years, and I plan to do that, and I'm going to try not to be repetitious, although a little bit of what I wanted to cover has been covered by my colleagues to my right here.

But the facts of the minority increase in California are becoming ever more clear. It was alluded to this morning that school population as of this week is 50.8 percent minority—public school population—and 49.2 percent Anglo at this time. My experience in more than 20 years in this State is that the overall population tends to follow the school population about 25 years later, maybe 30. So that the demographers are undoubtedly right in saying that we will be a majority-minority State in about two decades.

But I also believe the civil rights issues of the next 20 years are going to be primarily the same as the civil rights issues of the last 20 years. It's very easy for us in California to say we're a progressive State and we have conquered sex discrimination, racial discrimination, religious discrimination—the old issues of the civil rights movement. I don't believe it.

Let's take housing as an example. One recent test conducted by the Fair Housing Congress of Southern California found that when they sent black checkers to try to rent apartments in the Los Angeles area, not just the city of Los Angeles but around Los Angeles as well—places like Culver City and Santa Monica and El Segundo and so on—60 percent of the black checkers were discriminated against when they attempted to rent apartments. They were either told that the apartments that were available to Anglo checkers were not available to them, or something of that sort. Hispanics and Asians in the same test also encountered discrimination, but less. They were discriminated against in that test on 20 percent of their attempts.

But here's the interesting thing, and it ties in with what Mr. Walters was saying just a moment ago. The blacks were more vocal. The blacks who are discriminated against in housing go to their local fair housing council. They tend to file lawsuits. So they show up in the statistics. The Hispanics do not. They're quiet; they don't speak up. There is almost a sense of shame when they are discriminated against, so they don't appear in the statistics.

It is the same in politics. And that is why I believe—and I think Dan would probably agree with me—that voter participation and voter passivity, rather than voting rights, are going to be the key civil rights issue of the next 20 years in California.

We have huge minority populations in this State, but statewide politics are still mostly Anglo. When you have voting by district in Congress and the State legislature, even in the city councils, then you find that any minorities, the Asians and the Hispanics in particular, can make their presence felt. But whenever you have at-large voting, you don't have that. That is why we have yet to have a Hispanic in statewide office in California. It's also why Republicans tend to dominate statewide races, or at least the important statewide races, and Democrats tend to dominate the legislature and the congressional delegation from this State.

Now, this has been a pet peeve of the Republican Party in this State for most of the last 10 years. The Republicans have long claimed that their performance in statewide races shows that the districting in this State is manifestly unfair. I don't agree with them because I believe that the reason for the disparity in the legislative performance and the statewide voting performance, or the wider races, is minority apathy.

Let me give you the best example I know—it's really a paradigm case. In 1984 there were 103,599 votes cast in the 25th Congressional District of California represented by Ed Roybal. At the same time there were 254,974 votes cast in the 40th Congressional District represented by Robert Badham from Orange County. This means there were 150,000 more Republican voters essentially electing one Congressman than there were voters in the largely Hispanic, largely Democratic district of Ed Roybal.

In fact, the statistics worked this way: Mr. Roybal drew 65,000-some-odd votes from that election, and Mr. Badham drew 204,000. They each get one seat in Congress, but if those same voters—and I believe they did—if those same voters also voted in the 1984 presidential election, you had 130,000 more voters casting ballots for Ronald Reagan than you did for Walter Mondale. If you multiply that by two or three districts—and that's really all you have to do—you have the statewide Republican margin, the same margin that gives George Deukmejian his landslide.

So it's no wonder that the Republican Party does better in statewide races than in districts where the seats are apportioned by population, because that district that Bob Badham represented that had 250,000 voters in 1984, in the 1980 census had 464,000 residents, and so did Ed Roybal's district. So as long as you're apportioning by population, you're going to have this two-tiered system so long as minorities are passive.

That to me leads to the big civil rights issue of the next two decades in California, which is how to get the minorities to vote. If they vote, I believe they'll also get involved and vocal in other civil rights matters. That's what happened to the blacks. The blacks in this State vote in almost the exact proportion to their presence in the population. The Hispanics and the Asians don't, as Mr. Walters pointed out—and I'm not going to go into those statistics again; you've already heard them.

But the overall trend—and this is even more disturbing, perhaps—is toward less voting in California. In the 1986 general election, 43 percent of adult Californians who are U.S. citizens voted. In the 1986 California primary, just 28 percent of adult U.S. citizens voted. Both figures are about 10 percent less than 20 years earlier.

So what we need in California quite clearly, it seems to me, is more of what the Los Angeles Archdiocese has begun. They've begun a program that's called the Plan for Hispanic Ministry, and this is an effort where the church is sending out priests to the homes of everyone—or they're trying to do this in any case; I don't know how effective it is. But they're trying to send out priests to the homes of every one of their 2,650,000 parishioners in a diocese that stretches from Santa Maria to Pomona. Part of the mission of these priests is to impress upon the parishioners the need to register and vote, at the same time as the priests are trying to deliver the social services that the diocese delivers.

My point is that if we don't have more efforts like this, both in the private sector, which the church fits into, or in the public sector, then by the early 21st century, California may look a bit like South Africa, with a majority of the population—namely, the Hispanics, the Asians, and Samoans, and other newcomers—being ruled essentially by a steadily decreasing minority of Anglos.

Thank you.

COMMISSIONER DESTRO. Thank you very much.

Our next speaker is Mr. Alan Bock of the *Orange County Register*. Welcome this morning, and we look forward to your comments.

Statement of Alan Bock, *Orange County Register*

MR. BOCK. My name is Alan Bock. I'm a political columnist and also write editorials.

I speak as someone who's been a working journalist in Orange County for the last 8 years, and I've been fascinated—sometimes encouraged, sometimes dismayed, but always fascinated—by the changes I've been observing, reporting on, and living through. I grew up in southern California so I knew from an early age that Orange County, whatever the Republican majorities it might muster, didn't really fit the hard-right stereotype so beloved in much of the rest of the country; indeed, the people in Orange County who really were hard rightists always thought of themselves as a beleaguered minority or remnant struggling valiantly against the prevailing tide. The Beach Boys may have been closer to the real ethos of Orange County than the Birch Society.

But if the old lily-white, hard-right, complacent suburban image of Orange County that prevailed into the 1970s was always a little too facile, there is no question that the area has been changing rapidly in the last decade, and that a good deal of the change has involved greater racial and ethnic diversity. The county has grown, in absolute terms, faster than California as a whole, developed more business districts, built an impressive performing arts center, become the most expensive place in the country to try to buy a single-family house, and struggled mightily to shed the image of being a bedroom suburb of Los Angeles.

Orange County was also the first stopping place for thousands of Vietnamese boat people who disembarked on these shores first at Camp Pendleton to the south, and it has become a magnet for Hispanic immigrants, both legal and illegal. The Asian population grew from 86,893 in 1980 to about 146,000, constituting about 6.8 percent of just over 2 million total population, in 1985. In 1985 Hispanics were 15.7 percent of Orange County population, up from about 14.8 percent in 1980. We have a significant Korean community, a more active Jewish federation than you might think, and a statistically small but gradually growing black community.

This increase in ethnic diversity, and in the visibility of ethnic minorities, has not come about without some social strains. Based on my own observations of how those strains have manifested themselves and the means through which people have expressed whatever ethnic hostility they may feel, it would behoove those concerned about the rights of people in minority groups to start looking with a critical and jaundiced eye at economic regulation, licensing, and controls that may have good intentions of providing for wholesome levels of health, safety, and consumer protection, but in practice end up making things more difficult for ethnic minorities, particularly those with relatively low levels of education or proficiency in English, those who are outsiders, latecomers, or poor in resources, to cope and get ahead.

My colleagues have been concerned about participation in the political process. I think participation in the economy is much more important, and we need to be reducing the barriers to that kind of participation for ethnic and racial minorities.

An incident just this week in Garden Grove may illustrate the point, though other examples abound. A Korean evangelical church which now rents quarters from Southern Baptist Church in Buena Park wants to build a church of its own on property it owns on Lampson Avenue, a mostly residential area in Garden Grove. A 1-mile stretch of Garden Grove Boulevard in Garden Grove is informally called Koreatown. It has about 400 shops and restaurants catering to the perhaps 80,000 Korean Americans in Orange County. In addition, Garden Grove, along with neighboring Westminster, also has a growing and visible Vietnamese population. These two cities particularly have seen many of the changes of the past decade more intensely and up close than some other parts of the county, and have seen their share of resentment bubble up at the rapid changes.

Now, of course, in this day and age you don't buy a piece of property, hire an architect, hire a contractor, and then start building. First you go to the planning commission, and then, chances are, you go to the city council. These venues provide an opportunity for anybody who is concerned about the proposed impact your building might have on the neighborhood, from noise to traffic to whatever, to have their say. And plenty of people had their say at Tuesday's city council meeting, complaining that the church would worsen traffic and parking problems in their neighborhood.

However, two consultants testified that the 100-member congregation would have no effect on traffic and parking, although they did recommend a 10-foot wall to mitigate possible noise problems. This led some proponents of the church to claim that the opposition wasn't really based on concerns about environmental impact at all, but on racial or ethnic hostility. Most of the neighbors denied this, although some of them said a few ugly things. And they did seem equally opposed to the idea of an adult day care center on the same property, which was a compromise offered at one point and then pulled back.

The city council rejected the permit on a 3 to 2 vote, claiming there was no racial or ethnic component to it, that they would have denied any church permission to build on that property. Maybe so; I don't know.

I can't read minds, so I don't know what really motivated all those neighbors. The point is that the effect of a long, drawn-out regulatory and approval process—this particular issue has been before the city council since last March, with various postponements—not only makes it more expensive for people to build a church or whatever they want to build, it also provides an avenue through which people can oppose the plans of visible members of ethnic minorities and deter their progress while appearing perfectly respectable—indeed, giving the impression of being upright, civic-minded, environmentally concerned, and responsible members of the community.

When analyzing laws and regulations, it is important to distinguish between intentions and results. Indeed, the intentions of a proponent of this or that law may be of little relevance, since so many laws have unintended effects. There's a rich lode to be mined by this Commission, or other groups, of laws whose intention may have been to protect health, safety, and welfare, but whose results have been to discriminate against ethnic minorities or recent immigrants.

Both Santa Ana and Anaheim in recent years have moved either to ban pushcart vendors or to regulate them so heavily as to drive all but the best-financed operators out of business. That may look like impartial regulation, but the effects fell almost exclusively on Hispanic residents. A pushcart is a very low-capital business to try to get into, and many recent emigrants from Mexico are accustomed to having pushcarts operating in their neighborhoods, selling everything from fruit freeze bars to tamales. Banning pushcarts or regulating them virtually out of existence, thus, has the effect—whatever the intentions—of closing off one avenue of upward mobility for Hispanic entrepreneurs and depriving people in predominantly Hispanic neighborhoods of a familiar and convenient service.

Santa Ana in the last couple of years has been on an aggressive campaign of occupancy code enforcement, sending officers out to inspect and seek out people who have more people in their houses or apartments than the law allows, or who have subdivided their houses or converted their garages and rented space out in violation of the law. Most cities enforce such laws mainly in response to complaints, but Santa Ana has been openly and proudly aggressive about seeking out and punishing these code malefactors.

Again, from one angle this simply looks like concern for health and hygiene. In fact, some of the conditions uncovered in the enforcement campaign were pretty shocking—unventilated garages in which a half-dozen or more people were sleeping, extension cords stretched sort of randomly across yards to provide a little bit of light someplace, in a way that was potentially dangerous. Houses were subdivided in ways that most of us would feel were uncomfortably overcrowded. As it turns out, though, most of the people living in those conditions were recent immigrants from Mexico, many of whom didn't know English or have the job skills to hold other than low-paying or temporary day jobs. Few of them would probably have chosen to live in such conditions if they could have afforded better, but most of them couldn't afford any better. For some it may have even been a step up from how they had lived in Mexico. And for various reasons, including government regulations and permit fees that add about $60,000 to the cost of an average single-family home in Orange County, there's a serious shortage of low-cost housing of any kind in Orange County.

Now, to white-bread middle-class types, the housing conditions in Santa Ana were shocking, but they didn't differ all that much from the kind of housing almost every immigrant group has encountered throughout our history. The immigrant experience has been to endure hardship, work hard, build a nest egg, and make sure things are better for your children and their children. Every voluntary immigrant group in the U.S. has prospered on that pattern, and immigrants from Mexico seem willing and able to do the same. It will be more difficult for them, however, as it has been for black people in the United States, because they are encountering a mature, complex welfare state full of restrictions, rather than a free-wheeling market economy with few if any restrictions on economic activity.

Walter Williams, the economist, in his book *The State Against Blacks*, has documented how minimum wage laws and occupational licensing laws in particular have had the effect of making it more difficult for blacks in America to get a job or go into business for themselves. The same observations can be made about recent immigrants of non-European ethnic stock, particularly when English is not their first language.

Around the turn of the century, the only occupations that required licenses, permission from the government before one could go to work, were doctoring and lawyering. Now, across the country in various States, about 150 occupations, from contracting to cosmetology, require licenses. The requirements usually involve passing both a written and performance test, but they may also involve a high school education, demonstrated knowledge of English, and taking extensive and sometimes expensive courses from State-approved schools. All these requirements raise the cost of entry; some people simply decide not to try. They also have the effect of discriminating against people with less-than-average verbal skills or who are intimidated by formal tests.

Stuart Dorsey of Washington University in St. Louis studied the failure rates for blacks applying for cosmetology licenses in Missouri and Illinois. He found that blacks constituted 21 percent of the failures in Missouri and 38 percent of failures in Illinois. But on the performance test, where they actually had them do what they would have to do in that job, the failure rate for blacks was only 13 percent in Missouri and only 5 percent in Illinois. In other words, people who had demonstrated competency on a practical test of applied skill were being denied the right to practice a trade because they didn't do well on a written test that had dubious relevance to the real-life skills required to perform the job.

We license a lot of occupations in California, a lot of them. When you make it expensive, intimidating, and complicated to pursue the trade or occupation of your choice, you end up discriminating against people with lower than average verbal skills, against people who have a hard time relating to officialdom—and a lot of recent immigrants fall into that category—against outsiders and newcomers, against people for whom English is a second language.

There's a trickle-down effect as well. When you make it hard for minorities or recent immigrants to pursue a skilled occupation or start a business, you reduce the number of job possibilities for less skilled or less ambitious members of those groups, who might stand a better chance of being hired by Vietnamese, Korean, black, or Hispanic entrepreneurs than by Rockwell or McDonnell-Douglas. Right or wrong, good faith efforts at affirmative action or not, them's the facts.

Now, I'm not sure that I want an agency like the Commission on Civil Rights going around in States and localities finding laws and regulations that result in unfair discrimination against minorities and invalidating them. I'm not sure I'm comfortable with the idea of an arm of the Federal Government having that kind of power. But you could study and publicize instances like these, and dozens more, and use publicity and persuasion to try to get some of these barriers to working and economic advancement torn down. If you want to deal with the problems I've been seeing facing minorities in Southern California, I can think of few more fruitful areas of endeavor.

Let me make one final observation. What most recent immigrants that I know or come in contact with want is not special favors or privileges, but fairness, a roughly equal chance to make it. They don't want the government to take them by the hand and make sure they succeed, but they would appreciate it if the government would get out of the way and give them a fighting chance to make it on their own.

Striving for equality of opportunity rather than equality of results will also promote social harmony and reduce conflict with the native-born population. In the early eighties, when the Vietnamese presence was becoming particularly more visible in Orange County, I can't tell you how many calls I got from people who were absolutely convinced that the government was giving the Vietnamese 1 percent loans to buy houses and start businesses. Our paper put lots of resources into tracking down that rumor and never found any evidence for it. But many people—perhaps not really wanting to acknowledge that thousands of Vietnamese people were prospering through the old-fashioned formula of hard work and sacrifice—chose or wanted to believe it.

The point is that when I was able to convince those people—some of whom started out saying pretty ugly and racist things—that there was no truth to that rumor, most of them settled down. We hardly ever get those kinds of calls anymore. Some older residents seem to have accepted the Vietnamese pretty well and may even come to accept Hispanics some day.

But I do think most Americans, if they think about it a bit, can't work up much resentment about people succeeding on their own after getting an even chance. The suspicion of favoritism or privilege breeds resentment and hostility. So government embracing the principle of equality of opportunity rather than equality of results may be an important key to a smooth—well, at least relatively smooth—transition to the multiracial, multiethnic society that southern California seems fated to become.

Thank you very much.

Discussion

COMMISSIONER DESTRO. Thank you.

I think we'll turn now to some questions, and I'll begin with Commissioner Guess.

COMMISSIONER GUESS. Thank you, Mr. Chairman.

I'd like to ask, Dan, in looking at the whole political process out here, you and Mr. Elias commented on the next civil rights phenomenon being the participation of the voters. How does one structure, as a civil right, prompt someone to vote?

MR. ELIAS. You can't force anyone to vote, but you can perhaps try to eliminate the fears that keep them from voting.

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COMMISSIONER GUESS. Should we have compulsory voting?

MR. ELIAS. I don't believe we should. I think the fewer compulsory anythings we have in this country, the better. I mean my family—I come from a family of refugees, and we came from a country where they had compulsory everything.

COMMISSIONER GUESS. In your opinion, then, the fact that the newer immigrants, particularly the Hispanic population that you alluded to, don't vote—is that suggesting that there are barriers, either real or artificial, that are being constructed by this majority of the voters who realize that as a result they have power?

MR. ELIAS. I think there are barriers. They certainly are not physical barriers. Literacy is one problem, of course. The mere fact that you have to sign something to vote, you might have to read a ballot, stands in the way.

But I also think that voting is a bottom priority when survival is the issue. The immigrants to this State are by and large poor. I think if you took the middle class of Los Angeles and isolated them you'd have a city the size of Cincinnati. They are by and large poor, and their concerns—they're just not interested.

I recently did some seat-of-pants polling for a project that we at the Scripps-Howard newspapers were doing, and in just speaking with people in the streets of San Bernardino County—for instance, I interviewed perhaps 33, 34 people in a full day of going all over that county; I discovered that out of that number perhaps one-sixth had given even one moment's thought to the presidential election this year. And that was as of last week.

So I think the problem is that voting will come later for these people if we don't put physical barriers in their way.

COMMISSIONER GUESS. Well, let me ask Mr. Walters this: From your perspective as an expert political commentator and observer here in the State of California, do you feel that those who now maintain and exercise control over statewide elections make a conscious effort to maintain the status quo? Or are they trying to encourage a broader participation?

MR. WALTERS. Let me answer your second question first. The answer to the second question is no, and to explain that, I have to go back and answer your first question.

The idea of voting laws in California, of who can vote and under what circumstances, registration, and so on, is seen in very, very partisan terms in this State. California has a kind of quirky set of election laws. It's relatively easy to register to vote in this State, but you have to do it a long time in advance, for example. So let's say hypothetically that if a Jesse Jackson would come along to stir up the voters in the last month of an election campaign, it wouldn't do any good because voter registration is already closed a month before the election. It's relatively easy to register, but you have to do it a long time in advance. Once you register, it's hard to get you off the rolls. So it's a very, very quirky sort of set of election laws that have been layered one upon the other depending on who was in charge of doing it at the time, and depending on their particular partisan motivations.

There has been a lot of talk in Sacramento over the past several years, as the disparity between the voting population and the general population has widened—there's been a lot of talk in Sacramento about changing those voter registration laws, about same-day voting, same-day registration, for example, about so-called motor voter laws where the department of motor vehicles would encourage voter registration, about various kinds of voter outreach programs, about things of that nature. But the Republicans see that as a way for the Democrats to increase their registration using the arm of government to do so at the expense of the Republicans.

On the other hand, the Democrats have been very reluctant to do anything about the deadwood on the rolls that's clogging up the rolls because they know if you took the deadwood off the rolls, their registration would drop below 50 percent, and it would be a big psychological downer.

So it's been kind of a partisan stalemate, exacerbated, of course, by the fact that you have a Democratic-controlled legislature and a Republican Governor. So they've been working out, "Well, if we give you purge of the voter rolls, will you give us same-day registration?" or something like that. So there's been that kind of negotiation going on.

A bill emerged from the legislature this year that is a semi-purge. It would purge you from the voter registration rolls if you hadn't voted in—I can't remember—2 or 3 years or something, subsequent elections. It used to be in California if you didn't vote in one election, you were dropped off the rolls. That's why the Democrats changed that, because they were dropping too many Democrats off the rolls.

And in return for the purge, they would put out some greater voter outreach things.

That bill is sitting on the Governor's desk right now. We don't know what he'll do with it. It's a bad deal for Republicans, and he may veto the bill because the bill, which was essentially passed by the Democratic majority, would do more for the Democrats than it would do for the Republicans. And I wouldn't be surprised to see the Governor veto the bill.

What I'm saying is that those kinds of things are not seen in the abstract as encouraging voting or discouraging voting.

They're seen as how they affect the partisan makeup of the State. This is particularly true because the two parties have grown closer together in *realpolitik* strength. So the Democrats now fear they're on the verge of losing control, particularly in the legislature and in the congressional delegation; the Republicans now think they are on the verge of taking control in both those things. So everybody looks at anything that might affect that with a very, very jaundiced sort of eye. So in that kind of a stalemate, it's unlikely that there are going to be many dramatic things occurring at the legislative level.

Now, it's possible that something might occur at the judicial level. For example, the courts just recently intervened in a case in Watsonville having to do with district voting and in effect mandated a city to go from at-large voting to district voting. That could have an enormous impact over time on voter participation because, as Tom said, when people think they have a chance to elect somebody, they'll go out and vote. So those kinds of things may have an impact.

As far as the legislature is concerned, it's very unlikely there will be any dramatic changes. It's not, I think, a conscious effort to discourage people from voting; it is that in a very short term, immediate, personal sort of way the politicians who are involved in making those policies don't want to do anything that's going to hurt their particular circumstance of their particular party. And all these things are cast in extremely partisan terms.

I hope that responds to your question.

MR. ELIAS. Let me make one point.

One thing that I think may be a positive factor that's happened in the last year and a half is the amnesty program in which, as you know, more than 50 percent of the participants are in California. There was a great deal of fear involved with the amnesty applicants coming forward and dealing with the government on any level, and especially dealing with the "migra," the INS. This is the agency that millions of illegals have lived in fear of for decades, and they were asked to come forward and trust the "migra." And they did, and it worked.

I would suggest that the example of dealing with the bureaucracy in a profitable way might possibly encourage in some psychological way increased voter participation in this State.

Personally, I think the amnesty program, while it has its flaws and doesn't go far enough, in my opinion is probably the best thing that this government has ever done.

MR. FREEDBERG. May I make just one brief comment?

Census figures show that 52 percent of Hispanics don't vote because they are not U.S. citizens, and I think the amnesty program might address some of that. That's compared to 8 percent of blacks and 8 percent of Anglo voters. So that's a huge disparity.

Just another comment about this advance registration that we have here, in most States. About a year ago I went around with some precinct workers in east Oakland, primarily a black area, although also Asians, Hispanics, and whites in east Oakland, contrary to perceptions. And we went around before the election knocking on doors with the voter registration rolls.

It was dramatic how many of those people on those rolls weren't there. In a high rent neighborhood, where you have few property owners, many or most people are not registered. I would say there was about 1 out of 10 people on those voter registration rolls who were actually there. It just seems to me that this business of advance registration is really an effective way to disenfranchise people. And I'm encouraged by the movement on the State level to address this issues, but, as Mr. Walters points out, it's still a long way from becoming a reality.

MR. WALTERS. I think, to reinforce it, this business of the deadwood or the ghosts on the voter registration rolls in California is becoming an absolutely incredible thing. State election officials don't know how many people who are on these voter registration rolls are names of people who don't exist. But they estimate it's about 9 percent. Some other estimates put it at 20 percent statewide. It's immense.

I became aware of it—in fact I wrote the first journalistic article about it—I became aware of it when a person working for Walter Mondale in 1984 said they purchased a list, a computer list, of people who were registered Democrats but who had not voted in either the 1980 presidential election or the 1982 gubernatorial election. So they had these hundreds of thousands of names, "These are fertile people; these are people we want to get out." So they started calling this list, and after a couple of days, they said they totally abandoned it because those people didn't exist; they were false; they were ghosts. In fact, we have some anecdotal instances. Several anecdotal instances have popped up of people who have remained on the voter registration lists 5 and 6 and 7 and 8 and 9 years after they died. They just remain on it.

It's fertile ground, I might add, for voter fraud if anybody ever wants to do that. When you couple that with the easy access to absentee voting in California, it's a very fertile area for fraud, and there have been some localized cases of that occurring.

MR. ELIAS. There are also problems with same-day registration. Of course, same-day registration has its advantages, particularly in a State with a mobile population like we have. One Rand Corporation study finds that the average Californian moves every 7 years, which means that between presidential elections more than half the population has moved.

Now, that would seem to be a pretty strong argument for same-day registration. The problem is that in a State that has so many illegals, with same-day registration how do you safeguard who is even a citizen? There are all kinds of problems with it.

I think something has to be worked out that encourages people to vote but somehow guards against fraud. And I don't think I'm the technician to work that out.

COMMISSIONER DESTRO. Thank you.

Commissioner Buckley.

COMMISSIONER BUCKLEY. Yes. I'm going to stay with the voting issue for a little while, and let me tell you a little bit about my experiences with this voting, just so you might consider it.

In Laredo, say like 1972 even, in the election there, people were driven to the polling places in, not cattle trucks but the trucks with the big slats on the side. They would come to the polling place; they would get off the truck, 40 or 50 people. As they would get off the truck, they gave them voter registration cards. They would go in and vote. When they came back out, they collected the cards again, and they got back up on the truck.

Our problem in a border area is that many times it may be they don't live there, and they're coming over to vote. It's a serious concern when you talk about onsite registration.

But what I was wondering about is: Have any of you heard about a selective onsite registration, say where this onsite registration would be made available for primaries and maybe not for the general election? If, as you say, Californians move every 7 years and you're talking a period of 7 or 8 months, chances are they may not have moved in that time. Have you heard anything about that?

MR. ELIAS. No.

COMMISSIONER BUCKLEY. Has that been considered by anybody?

MR. WALTERS. I am not a technician either, and I want to tell you they've had hearings on this issue in Sacramento, and people have come up with all sorts of things, "Let's do it this way," "Let's do it that way," "Let's try this," "Let's try that." But the bottom line is that the legislators who have to make those decisions look at them all in terms of partisan advantage or disadvantage. And since there's effectively a partisan stalemate in Sacramento with a Republican governor and a Democratic legislature, nothing is likely to happen anytime soon.

I think the voter registration laws, in the absence of judicial intervention in California, are not going to be changed any time soon. There's just too much partisan power at stake in those laws.

COMMISSIONER BUCKLEY. Yes.

MR. FREEDBERG. But you do raise an interesting point about perhaps looking at applying the system selectively to different kinds of elections. Because I think most people know that there is a presidential election going on, and that doesn't seem to me to be where the major problem is when you go to places like east Oakland.

The major problem is that of the local elections which don't coincide with statewide and national elections, particularly in those towns where you have April elections or off-season elections, where the turnouts are just abysmally low. What is happening in those neighborhoods—those are neighborhoods where you are electing people to directly represent you as far as tax rates, basic services, and so on. That's where you have these abysmally low turnout rates and where people don't know about these elections, and it's only property owners who've been there for years and get material and so on who know about these elections.

So it may be that one might want to start with these local elections to try to encourage a greater participation because, after all, these local elections are at the heart of our democratic system.

COMMISSIONER BUCKLEY. You were talking about barriers, and I was reading a newspaper editorial yesterday morning that came out about illiteracy and how illiteracy would be a barrier to voting. When we talk about a lot of the minorities without a high school education, or less, what can we do as a community, and you as a medium, to make sure that they know if you're illiterate, you can have people read the ballot to you, who can help you with it; that if you're interested, you can participate regardless.

MR. ELIAS. This is the ultimate media State politically speaking, so obviously the way you reach people in this State is by television advertising.

COMMISSIONER BUCKLEY. The issue is—

MR. ELIAS. But it's too expensive. As Mr. Bock says, it's enormously expensive.

COMMISSIONER BUCKLEY. As a public service announcement on radio and television? This is a medium they would be using a lot, and it would let them know. It's part of voter education, and maybe they—

MR. ELIAS. I don't know. My experience is that public service advertising is vastly overrated. I don't think it accomplishes very much anyway. For one thing, the quality of most public service advertising is just not up to commercial advertising, because the bucks aren't there. And we hear a lot of public service messages, and I don't think they're very effective.

I can't cite you a study on that. I wish I could, actually. Now that I think about it, it's an interesting area.

MR. FREEDBERG. I think it's unlikely that people are going to go into a voting booth and say, "I can't read, and could you help me vote." Where we have to target illiteracy is in the schools and make sure we don't have people who can't read.

But it's also a highly controversial area. I mean a lot of people can't read English, and in many places the ballots are available in other languages, but it's a highly politicized issue.

COMMISSIONER BUCKLEY. What Texas has done is that now they've changed the assistance laws. It used to be you could only help five voters or something like that, and now if this person walks into the booth and says, "I want this person right here to help me vote," you can get that. I don't know if there are any statistics on whether that has been improving. But at least they can bring in somebody from the outside, citizen or not, and they can get assistance.

Yes.

MR. WALTERS. Mr. Freedberg's comment brings up something that I should have mentioned earlier. He mentioned that education is really the key to the whole thing.

One of the interesting and I think really seminal facts about California is that one of the outgrowths of the trend which I mentioned earlier, which is a rapidly changing population over here [indicating] and a fixed electorate, is that with every passing year, passing election, fewer and fewer voters in California have children in school.

MR. FREEDBERG. I didn't hear that.

MR. WALTERS. Fewer and fewer voters in California have children in school with every passing election because the electorate is not only predominantly Anglo, but is aging very dramatically with the rest of the Anglo population. So with every passing election, fewer and fewer voters have children in school.

As Tom mentioned, California schools are now a majority non-Anglo, but only about 25 percent of California's voters have children in school. This creates an enormous political dilemma, part of that greater dilemma I mentioned earlier. The basic political constituency for public education is declining at the very moment where education itself has to become more responsive to deal with all of the increasingly diverse student body it has to contend with.

So it's a paradox. It manifests itself, for example, in the fact that California is 48th among the States in per capita spending on public schools, that the electorate is losing its interest in public education because public education is increasingly seen as something that benefits somebody else and "not me or my immediate family." Clearly, one of the dilemmas in this State, one of the paradoxes in this State, is that at the moment California needs to invest more money in its educational system and more public resources, the political constituency for that public education system is declining. Only about 25 percent of the voters have children in school today.

MR. BOCK. You know we might be in a position to think about making schools responsive to the direct constituency, think about some kind of a voucher system where you determine what you're spending per capita and you send that to the parent and say, "Spend that at the school of your choice." That's a situation where minority parents could have a great deal of influence on the quality of education that their children get.

COMMISSIONER BUCKLEY. One more question.

Mr. Bock, when you were talking about the pushcart industry or business situation, I was wondering if you could tell us more about what is being used against that.

In Laredo just recently we developed the idea of a marketplace, and there are a lot of little corner places, little pushcarts. That's the way it is in Mexico. But a couple of years ago we had a hepatitis epidemic from the corn that was sold from these carts, corner pushcarts in Nuevo Laredo, and then that disease came over to Laredo and we had a serious epidemic in Laredo. So what they're using now is that particular epidemic that came from Mexico to Laredo because of a pushcart situation and trying to say that they can prevent a resurgence of this epidemic by controlling this business. What other kinds of arguments are they using over here?

MR. BOCK. In Santa Ana, it seemed to me, the argument was largely aesthetic, that they sort of cluttered up downtown and made it look kind of raunchy and swap-meetish, and you want to have a dignified business district befitting the dignity of this great county seat. There were some health arguments made, but very, very minor. It was mainly aesthetic. It was improving the image of downtown.

COMMISSIONER BUCKLEY. In San Francisco when we were there a couple of weeks ago, we saw ice cream or popsicle vendors walking down the street, and I don't think I've ever seen that in any other city in the United States. It's common in Mexico, but not here. It would seem that if they would argue that on the aesthetics of those, would they argue that on the popsicle vendors on the street?

MR. BOCK. I'd be surprised if somebody in San Francisco hasn't, but maybe not.

MR. ELIAS. Those vendors are all over Los Angeles, I promise you.

MR. WALTERS. Even in Sacramento.

[Laughter.]

COMMISSIONER BUCKLEY. I don't know that it's really developed in some of the cities in Texas yet.

MR. ELIAS. Take a drive down into Venice this afternoon.

COMMISSIONER BUCKLEY. Okay.

MR. WALTERS. If you want to experience California, you find a place in midtown Los Angeles where there's a kosher burritos stand operated by a gentleman from Korea. If you know that, you know everything you need.

[Laughter.]

COMMISSIONER BUCKLEY. I saw that. When we came here to Los Angeles about a month ago, I really wanted to know what a kosher burrito was, because I had never heard of it before.

Mr. Elias, you were talking about housing and housing discrimination, and we have heard something about problems that you have, such as you were talking about, when people go to look for housing and get turned back, and they just don't report it anywhere. In these complaints you've been receiving, was it all types of housing, or was it projects, or what was it?

MR. ELIAS. This is rental housing that was investigated. The survey was done in the spring, the months of April and May, by the Fair Housing Congress of Southern California. Their principal focus has always been on rentals.

COMMISSIONER BUCKLEY. Privately owned?

MR. ELIAS. Privately owned rental housing where, as civil rights laws and civil rights enforcement have become more sophisticated, so have the landlords. The only way to really test it, to discover whether there is discrimination occurring in these kinds of cases, is to first send Anglo checkers, then send black—or whatever minority you're testing—checkers, and then follow up with the Anglo checkers to see if you get consistent answers from the landlords. Because the discrimination can take the form of restrictions on number of children; it can take the form of varying rentals, or a larger deposit being asked from one group than another.

There's any number of different variables that can come in, and the only way you can be sure that there's not discrimination occurring is if you ascertain that the answers one person gets are identical to the answers that the next person gets, and that they don't change over the course of a day.

COMMISSIONER BUCKLEY. Thank you very much.

COMMISSIONER DESTRO. Commissioner Friedman.

VICE CHAIRMAN FRIEDMAN. One of the things that has been so helpful to me with regard to your testimony—and I really think it's one of the high points of our regional program—has been that, in addition to telling us a bit about the problems of the traditional and well-understood minorities, you've also told us a good bit about the majority and the way in which it works.

My question revolves around probing you a bit further on the majority. The white majority is often seen as an undifferentiated white majority, and we all know that, just like Hispanics, whites are very much divided, too, into ethnic division. I don't know if in California it's as powerful as in Chicago, but I would be interested in your collective reaction to issues like: How do groups like Poles, Italians, and others respond? And most particularly I'm interested in the black-Jewish issue, which in several parts of the country has grown into a serious conflict—in New York, you're aware, in Chicago most recently, etc. How do you view the issue of traditional minority relationships and this differentiated white majority?

MR. WALTERS. The conflict exists in California as well. It is not as intense mostly, I'd say, in contrast to Chicago or more particularly New York, simply because the population groups themselves are not as large.

VICE CHAIRMAN FRIEDMAN. Los Angeles has one of the largest—

MR. WALTERS. Los Angeles has a large Jewish population, but proportionately it's not as large as New York's, for example, and proportionately the black population is not as large as in New York City.

So while the division and the conflict exist, certainly, it doesn't take on the overriding sort of importance, political importance anyway, that it might back in those other communities. It is particularly noticeable in California in Los Angeles, and particularly noticeable in a kind of a widening breach between the city administration of Mayor Tom Bradley, who's obviously black, and the Jewish community on the west side of Los Angeles which had been, in the past, a great source of Mr. Bradley's political support.

A number of specific sorts of things came into it. Mr. Bradley was not as forthcoming in denouncing Louis Fahrakan as some of the Jewish leaders thought he should have been, and there's been a kind of widening breach. It kind of manifest itself very recently in a memorandum that the leaders of a Jewish political organization, the so-called Berman-Waxman organization, wrote to their candidate for mayor against Tom Bradley, Zev Yaroslavsky, making some very disparaging comments about Mr. Bradley's intelligence. That just widened the gap even further when that memo was leaked to the media.

It also has taken on a uniquely California flavor, the sort of thing that only in California you'll find. And that is that one of the issues that is separating blacks and Jews in Los Angeles is the so-called quality of life issue, a kind of environmentalist sort of thing. The focal point of that is a proposal, backed by Mayor Bradley and his political allies, to allow some oil drilling in an area near the coast, and the very severe opposition to that comes from the west side, the predominantly Jewish west side. So among all the other frictions that are involved, we have a kind of uniquely California sort of element that layers on top of that.

Tom, you're down here more often.

MR. ELIAS. Yes. I live on the west side of Los Angeles, as a matter of fact, and I am Jewish. And I know the conflicts do exist, but I also know that Mayor Bradley has maintained a committee, for at least 10 years that I know of, a black-Jewish dialogue sort of committee, and whenever there are crises that become national media centerpieces, this committee gets together. It's actually under the auspices of the Community Relations Council of Southern California.

I think the leadership, both on the Jewish and the black side—and I'm talking of Rabbi Allen Freehling and Bishop Brookens—people of their caliber and their prominence have stepped forward and made joint appearances that have gotten pretty good coverage in the media in this city, that have defused these kinds of issues.

But Dan is correct in pointing out the Berman-D'Agostino memo of last month, something that was very destructive, and I don't know how that's actually going to come down. But the prospect of Mr. Yaroslavsky running against Mayor Bradley might be the catalyst that really splits the Jews and the blacks in this city worse than anything ever has because liberal Jewish money has been one of the principal cornerstones of Tom Bradley's political career, and nobody really knows how much liberal Jewish money will follow Zev Yaroslavsky to the mayoral race next time.

What's intriguing to me is that when you have this potential split between the large black voting bloc in Los Angeles and the large Jewish voting bloc in Los Angeles, you don't have third-party Hispanics stepping into the fray as a potential major candidate. There's nobody out there. The one potential candidate who could have stepped into a situation like that potentially was Richard Alatorre, and his reputation has been besmirched by some financial irregularities in his last campaign for the city council. So there really isn't anyone to step in. There's a logical spot where a Hispanic could really make some ground and at least get into a run-off election by finishing in the top two in the primary next spring.

MR. WALTERS. At the risk of probably really creating some friction, I'm going to offer another little thing that's going on in Los Angeles, and that is that the aforementioned Berman-Waxman organization has—I don't know if it's exact to use the word "meddled"; "participated," I guess, would be the more benign form—in minority community politics to a high degree, and particularly so in the Hispanic east side of Los Angeles, I think in an effort to keep that potential Hispanic majority split and, therefore, maintain the prominence that the organization has been able to achieve in local politics.

As a result, for example, there are two Hispanic city council members, and one of them is aligned with Mayor Bradley, and the other one is aligned with the Berman-Waxman people because of how the election went. So the tendency is to kind of divide up that Hispanic bloc and keep them, whether benignly or not so benignly, from solidifying and coalescing around any particular figure and making a numerical presence felt in politics.

MR. ELIAS. But I really think there's been a growth in insensitivity on both sides in the black-Jewish dispute, Mr. Friedman. I watched it during the spring when Reverend Jackson campaigned out here. I obtained a tape through my own sources of his meeting with the Los Angeles rabbis, and it's the only known tape to exist of that. On that tape is a remark that reflects what I thought was gross insensitivity on Reverend Jackson's part. When Reverend Jackson was asked about his "Hymie" reference 4 years ago, he pointed over to Reverend Brookens, Bishop Brookens, who is the most prominent local black clergyman, and he said, "When I call somebody Hymie,' that's no different than when I call Brookens over here Brookie'." For him not to understand that difference, I thought, reflected gross insensitivity.

Then you turn around and you get the memo that Dan alluded to, that talked about the cranial capacity of Mayor Bradley. There's a real growth of insensitivity on both sides, and I don't know if it will degenerate into what we saw in New York, but, God, I hope not.

VICE CHAIRMAN FRIEDMAN. Nothing can disintegrate the way it disintegrates in New York.

MR. BOCK. You know, you asked about the majority, and I just want to make a comment. It amuses me, you know, that we speak in these ethnic terms, and I would fall into the Anglo category, I guess. In fact, my background is about half German, a little bit of Danish, a little bit of Scotch-Irish, a little bit of French, and maybe one-eighth English. So I don't think I'm Anglo, but we get into these ethnic categories.

It's sort of funny. When I was growing up, I thought of myself as a Californian first and an American second—sort of strange. And I really thought—this was growing up in the 1950s—that we didn't have any particular ethnic identity or hostility in California, that we'd managed to get beyond that. I wasn't aware at all that my best friend Mike Kaslowski was Polish. You know, I just thought he was "Mike."

I think perhaps I was a little naive when I was a kid, but I also think that—what would you say?—ethnic identification and a certain amount of hostility has grown some since I was a kid here in California, partly because of crowding, partly because of politicization, partly because we so offhandedly think of ethnic people as voting blocs rather than as individuals.

VICE CHAIRMAN FRIEDMAN. I do think you have been naive on that point because the dominant culture for so many years has been white, Anglo-Saxon, and Protestant that that was the definition of "American." But by the mid-1960s, as the race revolution exploded and then the white ethnic explosion developing in subsequent years, and the Hispanic issue as you've now described so vividly, you're really seeing the reality of American life, which is both, the common culture as well as the ethnic cultures, now revivified in the course of recent years.

MR. BOCK. It sure would be nice if we could revivify them without hating each other.

VICE CHAIRMAN FRIEDMAN. That's been the major art of American life, reconciling the two forces, the common identity and the group identity. By and large we've done a good job.

COMMISSIONER DESTRO. Commissioner Chan.

COMMISSIONER CHAN. Well, first I must comment that today we have only four news media here, but you gentlemen have already covered a broad spectrum of items concerning civil rights, for instance, the Hispanic area. From what I understood, the Hispanic people have made very positive progress lately. Of course, there's still room for more.

Also you gentlemen touched on the voting, taxes, and especially any civil rights incidents, and also the Scripps-Howard people mentioned fair housing and political information related to civil rights, which is voter registration. I must say that I imagine that the four of you have already covered a broad spectrum. And there are 40,000 news media in the United States, or more, and I'm really encouraged. Is this a general trend that the media are always interested in the civil rights?

MR. ELIAS. Yes.

[Laughter.]

COMMISSIONER CHAN. Thank you.

Now, so much for civil rights.

In 1975—I must say this—I volunteered for—I'm one of the directors for a volunteer agency in Camp Pendleton to resettle Vietnamese refugees. Around July 1975, I received a telephone call from the *Sacramento Bee*—I'm sorry I have to mention that—and he said, "Mr. Chan, you're the director of that and we found the refugees you sent to Sacramento were treated inhumanely."

Well, that's not a very small thing. It's a human rights violation. As a matter of fact, I didn't sleep that night, and the next morning I went to Sacramento. Of course, part of that is that the *Sacramento Bee* already had a picture and my name and "Director of Resettlement," and these things, and so on.

So I went there, and yes, that's true. The reason the *Sacramento Bee* says they were treated inhumanely was because they slept on the floor, no box spring, mattress, and so on. So I went there. Yes, the refugees—actually we found them an employer and we found them a place to live, and we found them a job. And I even went to the Chinese merchant to donate 90 sets of box springs and mattresses. So I was wondering, Where are the box springs and mattresses?

Please imagine that when I arrived in Sacramento, the *Sacramento Bee* people were there, and also there's a person from the State Department. So I'm really on the spot.

So we went to the apartments. We opened most of the apartments. Yes, they slept on the floor.

So I was shaking. As a matter of fact, my hands were wet, so to speak. So through the interpreter—because they're Vietnamese and I don't speak their dialect. And we opened the closet. Here are the box springs and mattresses, neatly stored there with the bed headboard and so on.

It turned out they are boat people, some of them, and some Vietnamese never slept on a box spring and mattress; they always had hard wood for their bed.

Well, what I'm trying to say is this: I'm glad the *Sacramento Bee* corrected by putting another article saying, "We are through with the investigation and Mr. Chan did not act criminally."

[Laughter.]

MR. WALTERS. Or you might not be here today.

VICE CHAIRMAN FRIEDMAN. Is that what you call damning with faint praise?

COMMISSIONER CHAN. If I have a civil rights violation 10 years ago, I might not have this job today. And again I'd like to thank the *Sacramento Bee* for following up the news.

MR. WALTERS. I was working for the *Sacramento Union* then, so I was certainly not responsible for that.

[Laughter.]

MR. ELIAS. But I was working for the *Sacramento Bee* back then.

[Laughter.]

COMMISSIONER CHAN. So much for the news media. Like I said, the news media are the ears and the throats of the people and for the people. And you can make people and break people.

Now, I have two questions I'd like to ask—and please answer me in less than 60 words because we're pressed for time.

MR. WALTERS. We get paid by the word.

[Laughter.]

COMMISSIONER DESTRO. We're not paying you this morning.

[Laughter.]

MR. ELIAS. How did I get into this?

[Laughter.]

COMMISSIONER CHAN. What is the media's suggestion to the panel on the civil rights movement?

MR. WALTERS. In 60 words or less?

You go ahead.

MR. ELIAS. In 60 words or less?

COMMISSIONER CHAN. Right.

MR. ELIAS. Let me clarify one thing. I don't speak for the media; I speak for myself. I don't speak for the Scripps-Howard newspapers. I'm not the chairman of the board. You know now; my name isn't Scripps or Howard.

COMMISSIONER CHAN. You already used 20 words.

[Laughter.]

MR. ELIAS. My suggestion to the Civil Rights Commission is to do what you can about illiteracy because everything else follows.

COMMISSIONER CHAN. Thank you. Any other comment?

MR. WALTERS. I would say—and I'll try to keep this to 60 words—that you might want to take a look at the voting laws of California in a very *realpolitik* sort of way, and see whether they do amount to barriers to full participation, recognizing that most of those barriers probably are not legal so much as they are social, cultural, and political. But at least take a look and see if there are any artificial barriers to voting participation.

That may be a little more than 60 words.

COMMISSIONER CHAN. Thank you.

MR. FREEDBERG. I think there is widespread concern that this administration has fallen short on really articulating or becoming or being an advocate for civil rights. As a Civil Rights Commission, I think this Commission in the last remaining months of the Reagan administration could try to put that record straight. VICE CHAIRMAN FRIEDMAN. I didn't hear that last sentence.

CHAIRMAN ALLEN. Set the record straight.

COMMISSIONER CHAN. Mr. Bock.

MR. BOCK. I guess I just reiterate what I said at great length: Look at the unintended effects of regulation that tend to freeze people out of the economic system, as well as the political system, and concentrate on equality of opportunity.

COMMISSIONER CHAN. Another question. This one could be even shorter. Say yes or no. Can media ethically be advocates for civil rights?

MR. WALTERS. Excuse me. Be advocates?

COMMISSIONER CHAN. Can media people be ethically advocates?

MR. ELIAS. Absolutely, in the context of an editorial page or marked commentary on television; absolutely. But when I'm wearing my reporter's hat as opposed to my columnist's hat, I'm not advocating anything.

COMMISSIONER CHAN. Thank you. Do you have a comment?

MR. BOCK. Yes, but I think, as far as reporting and feature stories, there's a lot of times when choice of stories can make a contribution or not. If you choose to write stories about ethnic groups or minorities that are something besides murder rates or violence, if you seek out stories about accomplishments that people in various communities are making, rather than what conflicts they're having, I think that can make a tremendous contribution.

COMMISSIONER CHAN. Thank you.

MR. ELIAS. Let me add one thing also and put in a plug. The Scripps-Howard newspapers in many of our cities, particularly El Paso is where this started, have a literacy program. I think that's the key to civil rights myself. But there's massive outreach from our newspapers, and we're trying to encourage other people in the industry to promote literacy. And, as Mr. Bock said, we tend to choose stories, or our papers choose stories, that tend to promote that campaign. So in terms of our decisionmaking, yes, we can actively promote civil rights or the root of it.

MR. WALTERS. I think the media are facing something of a crisis themselves, as are other social institutions. The popular news media tend to cater to the interests of white middle-class to upper-class people because they are the audience they want to reach because that is the audience that advertisers want to reach, people with the money to spend. At the same time, California particularly and the Nation probably to a lesser extent, is becoming non-Anglo, and it's a crisis for the media to deal with that in some effective way.

The *Los Angeles Times* recently started a Spanish-language edition, for example, one response to it. But it is a crisis that in their own self-interest the media are going to have to deal with in some effective way. There's a Los Angeles television station that recently started airing commercials in Spanish, for example, a bilingual television station.

These are the sorts of responses the media are going to have to do more of in their own self-interest, as well as any abstract interest they might have in civil rights or in ethnic diversity. In their own self-interest, they are going to have to start dealing with what have been the minority communities and will soon become the majority communities in California.

COMMISSIONER CHAN. Thank you.

MR. FREEDBERG. I wouldn't use the term "advocacy," but one of the major issues that we confront here and elsewhere is basically segregated society, segregated ethnic groups, segregated from one another. And I think the media can provide a window on the minority cultures. But that term is meaningless here in California. I think the term "minority" is going to have to be thrown out the window here in California and many other parts of the country.

But the media does have a responsibility, I believe, to provide a window onto so-called minority cultures. There is a shortage of minority news reporters in the media.

So it's a complicated issue.

COMMISSIONER CHAN. Well, thank you. I appreciate you gentlemen's comments. You just reconfirm my confidence in the news media, too.

COMMISSIONER DESTRO. Exercising the prerogatives of the Chair here, I'm going to just ask a very focused question of Mr. Freedberg and then we're going to close. Would you just very briefly tell me what criteria you used as you were identifying leaders at the community level? Because that's a question that comes up, you know, leadership of this community, leadership of that community.

MR. FREEDBERG. Well, in our research we were looking at people who were generally recognized as leaders in those communities who had not received national media publicity.

in the Hispanic community or Hispanic communities, there are a few leaders who are nationally recognized, like Mayor Cisneros and Mayor Pena. But ask anybody else, "Who are the Hispanic leaders?" and I don't think you would come up with many more names than that. Even Mayor Pena is barely known outside of Denver. So it really means going out and looking and talking to people in those communities and saying, "Who do you see as the leaders?"

Commissioner Destro. Well, thank you very much. You've been a very informative panel. We appreciate your efforts.

Chairman Allen. I can't let the moment pass to let you all know how extraordinarily restrained I have been and will doubtless make up for some of this in the next panel, my colleagues on the Commission, particularly on the issues of voting rights which were discussed here, and which you all touched on, something in which I claim no small share of expertise. If you remain for the panel, you will hear a slightly different perspective about how one goes about analyzing the dynamics of registration and voting.

Also I wanted to point out, for the sake of Mr. Bock's and the record's advantage, when he suggested he wasn't sure he wanted the Commission or any agency of the United States government going around looking at some of these things, he may relax. This is the one agency of the United States which by law is ordered to look, but not touch. So we will cause no such problems.

We are going to take a somewhat longer break because we have run so late, and that's why I wanted to make the announcement. I think the recorder needs at least 10 minutes. We're only stopping at 10:30 when we should be beginning.

We will reassemble in 10 minutes and begin the next panel at 10:45. We're recessed.

[Recess.]

Chairman Allen. We will reconvene the forum of The United States Commission on Civil Rights entitled "Changing Perspectives on Civil Rights." It is the first of three regional forums being held in the United States. The second one will be held in Nashville in December; the third will be held in Washington, D.C., in February of 1989.

The panel which we have called before us now is the panel which will discuss voting rights and political participation, and presiding at this moment is Commissioner Esther Buckley.

Voting Rights and Political Participation

COMMISSIONER BUCKLEY. Before we start with this panel, I would like to recognize the fact that we have some State advisory chairpersons present in the room. There are 17 SAC chairpersons that are part of the Western Region, and they have been attending these 2 days of panels, the forum. We are fortunate in having at least 14 of them that have already checked in. So probably at some point later during the day when we have them all in the room we will recognize that they're here.

At this time we are going to go into the voting rights and political participation panel, and we're going to ask that you limit your remarks to 15 minutes. We will have a 5-minute warning and a 2-minute warning to give you [indicating]. It's a very expensive system.

[Laughter.]

We'll start from the right to the left, with Ms. Melanie Lomax, attorney at law, Los Angeles, California and, I understand, a member of the Los Angeles County Human Rights Commission. We welcome you today and look forward to your testimony.

Statement of Melanie Lomax, Attorney at Law, Los Angeles

MS. LOMAX. Thank you.

Honorable Chairman and members of the Commission, it's a great honor to address you on the subject of voting rights and political participation. I am a civil rights attorney here in Los Angeles, where I have practiced for the last 10 years, and the former general counsel of the NAACP.

My comments this morning will deal less with a legal analysis or a technical analysis regarding the state of voting rights in America and more with my observations as a member of the community, and the observations particularly which I was able to make during the years I served with the NAACP.

In my view there's been, without question, a failure by the Federal, State, and local governments to provide effective and systematic voter registration and education programs. That is a reality not just simply in southern California but, it seems to me, throughout the Nation.

The whole purpose of government is to provide for the individual and groups of individuals that which he or she is unable to provide for him or herself. There is no question that here in Los Angeles, for example, as in many parts of the Nation in the North and in the West, there are decreasing barriers to voter participation from a legal standpoint. But there remain major historical, social, and economic barriers to meaningful political participation and voter registration.

I think that there is no question that the vast majority of blacks, for example, or Hispanics, other minorities, certainly in California, and throughout the Nation, do not exercise their franchise and go to the polls in very meager numbers. This in turn, of course, results in a lack of fair and equitable representation on all levels of government, and I think it's an undeniable truth that where you do not participate in the political system, your interest and that of your children fails to be reflected in the policies of government and you are low on the list of the public officials who are basically there to service their constituencies.

With respect to the black community, for example, here in Los Angeles, they were not even inspired by Reverend Jesse Jackson recently during the presidential primary campaign in Los Angeles. Reverend Jackson was unable to attract a large turnout among this community's black population, and in my view he has done more to restore a sense of pride among blacks and enfranchised or given a sense of being enfranchised to members of the black minority community than anyone since the death of Martin Luther King.

I think that this principle that historical, economic, and social conditions result in a lack of participation has been recognized by the U.S. Supreme Court. In the *Thornburg* case, the U.S. Supreme Court held that certain electoral laws, practices, and structures interact with social and historical conditions to cause an inequity in the opportunity enjoyed by blacks and certain whites and others to elect their preferred representatives.

I think that even the U.S. Supreme Court as it is currently constituted has been able to understand, or the members of the Court have been able to understand, the idea which Martin Luther King talked about. He said—and I believe I am quoting him accurately, or at least getting the essence of his comment correctly when I say that he said that basically black people had their feet bound, then they were taken to the starting line and had their feet unbound and were expected to run.

It doesn't work that way. You have to work on eliminating the effects culturally, socially, and primarily educationally to the view by many blacks and Hispanics and others that their vote does not count, that they are insignificant in the process and are essentially unable to affect their lot in life or that of their children by participating in the body politic.

I think that the public policy of this country and the actions of local, statewide, and national public officers has to be changed. I think the government must devise the methods to encourage people to vote, to understand out of enlightened self-interest that that is the only way in which they can truly gain adequate and equitable representation.

Now, at this point I guess I would sort of conclude my remarks by talking about why this hasn't happened. Without trying to be too simplistic or controversial, it seems to me that widespread, systematic voter registration and educational programs have not become an arm of government because those who have enjoyed power in this country are not interested basically in seeing that blacks, women, other minorities in this country become fully enfranchised.

I think that we don't have to look much further than today's newspaper where you may have noticed that a lawsuit has been brought against the County of Los Angeles to compel the board of supervisors to redistrict the five seats here that control county government. For far too long there has been a white male monopoly on the board of supervisors here in Los Angeles. It is arguably the most powerful political body in southern California, if not the State. Yet, with the exception of the appointment of Yvonne Brathwaite Burke by Governor Jerry Brown several years ago, to my knowledge no black, Hispanic, or other form of minority has been able to gain access to that particular body.

So it's not simply a question of voter registration and education. You also have to have a mechanism for requiring those public officials who are presently in office to basically become involved in serious and significant power sharing by acquitting their official responsibilities to redistrict when changes in the demographics justify redistricting, and without requiring groups like MALDEF and the Justice Department to sue you, to mount very expensive, large legal campaigns when they should have been sufficiently motivated by what is right for census data to know and understand that certainly Hispanics and blacks and other minorities here in Los Angeles are entitled to the opportunity to serve on that board.

So I guess I would conclude my comments by saying two things: one, as relates to this subject, that the Commission do what it can to influence the new administration to work on the whole issue of systematizing voter education and registration in this country. I am convinced that unless that takes place, blacks, Hispanics, other minorities, women, are never going to have their fair share and opportunity to have government be responsive to their needs and their interests.

The other thing that I guess I would say is that I would like to express my hope on the 30th anniversary of this Commission that under the new administration they return to a more vigorous, nonhostile, and aggressive position as relates to civil rights and to issues that are before you today.

Thank you.

COMMISSIONER BUCKLEY. Thank you very much, Ms. Lomax.

We now will hear from Mr. Gerald Jones who is the Chief, Voting Section, Civil Rights Division, United States Department of Justice.

Statement of Gerald Jones, Chief, Voting Section, Civil Rights Division, U.S. Department of Justice

MR. JONES. Thank you very much. It is really a pleasure to be here this morning to participate with you in this forum—and I note the overall theme, which is "Changing Perspectives on Civil Rights"—and to look at, more particularly, voting rights and political participation.

As has been noted, I am the Chief of the Voting Section in the Civil Rights Division of the Department of Justice. As the organ within the Civil Rights Division for enforcing those laws dealing with nondiscrimination in voting, the Voting Section has the responsibility for the enforcement of a number of statutes, including the Voting Rights Act of 1965, the Uniformed and Overseas Citizens Absentee Voting Act, and the Voting Accessibility for the Elderly and Handicapped Act, just to name a few of the statutory provisions that we have.

While the mere enumeration of this list serves to highlight the importance of that responsibility, at the same time it very graphically demonstrates that we do not have a mandate to remedy concerns that are not also statutory violations, nor do we have authority to seek relief from all of those injustices that are perceived to exist in the electoral systems of our nation.

As we consider the focus of this forum, that is, "Changing Perspectives on Civil Rights," I would like for us this morning, if we might, to look beyond this limited institutional responsibility that we have in the Justice Department and to discuss some of the implications for the field of voting rights that we might see flow from what we could term the new immigration that we've seen in the 1980s and presumably will see continue into the 1990s. In that respect, however, I should hasten to add that I speak this morning in these remarks not in an attempt to reflect the views of the Civil Rights Division as such, or even the Department of Justice.

Now, by this "new immigration" I mean what appears to have been the recent arrival in this country of a large number of immigrants from Asia and Latin America. While I leave to others the discussion of the magnitude of this phenomenon and the extent to which it differs quantitatively or qualitatively from the immigration of the past, I do wish to address to some extent the potential for affecting future considerations of the electoral process.

From the viewpoint of one who is a resident of Washington, D.C., and that area, my perceptions are that there has been a change. In this decade immigrants from Asia and Latin America appear to have established a presence in various suburban jurisdictions around D.C. and in the central city that did not exist 10 years ago or 20 years ago. Your experience here in California, I am sure, is very much the same.

But from the viewpoint of one who for some time now has been responsible for the enforcement of the Voting Rights Act, there also has been a change which I can document a little bit more authoritatively. From 1957 when the Civil Rights Division was created until the mid-1970s, the focus was almost entirely on the voting rights of black citizens. In amending and extending the Voting Rights Act in 1975, however, Congress expanded the focus to include Asian and Hispanic Americans.

It was a premise of the 1975 extension of the Voting Rights Act, and of the subsequent 1982 extension as well, that the exclusive use of the English language in the electoral process prevents many language minorities, that is, Asian Americans, persons of Spanish heritage, American Indians, and Alaskan natives, from participating in the electoral process. For that reason the act requires the use of languages other than English in counties containing certain levels of language minority populations, to the extent that such use is necessary to enable those persons to participate effectively in the electoral process.

On August 6, 1992, one of those provisions, known as section 203 of the Voting Rights Act, that mandates the use of minority languages in many parts of the country, will expire. In some respects this may seem to be a long way off, but it is not too soon to begin thinking about the need for extending or modifying section 203 if we are to continue to ensure that language minority voters will be able to participate in the 1992 presidential election and elections beyond.

Here, then, I would like to offer a few questions that Congress well might need to consider with respect to section 203:

First, rather than temporary legislation as in the past, should there be a permanent piece of legislation requiring the use of minority languages when certain conditions are met?

Secondly, should protection continue to be restricted to those presently enumerated in the act rather than being extended to other groups?

Thirdly, does the use of the county as the basic unit of coverage unfairly prevent some language minorities from receiving the protection they need, even though they are a substantial number of the population, simply because they constitute a small percentage of the population in a very large county like Los Angeles County, for instance?

Fourthly, is there a significant need among naturalized citizens, who must have demonstrated English-language proficiency in getting their citizenship, nevertheless to have the languages of their country of origin used to enable them to participate effectively in elections?

Fifthly, does the free access to assistance assured to voters by section 208 of the Voting Rights Act make superfluous the printing of election materials in a minority language and the provision of poll workers who can speak in the minority's language as is presently required?

Of course, there are many reasons why people vote. Surely, foremost among these is the desire to exert control over the officials and institutions that affect their lives. That is, we vote for members of the city council, for example, because the city council makes decisions that affect our welfare and that of our families and friends. Thus, questions with respect to the right to vote inevitably lead to questions of how the electoral system for a particular city council, county commission, or school board translates the voters' ballots into political results.

We are now in the midst of an era of great change in electoral systems. Prompted by an amendment to the Voting Rights Act in 1982 which was designed to provide fairer representation for racial and language minorities, many cities, counties, and school boards have changed and are changing the methods of electing the members of their governing bodies. A very large proportion of these involve changes from having at-large or jurisdiction-wide elections to elections from single-member districts.

While it is obvious that a large majority of jurisdictions have adopted this avenue to remedy legitimate concerns that have been raised about their electoral systems, it is not obvious that electoral systems should be selected or altered through the bandwagon approach. It would seem advisable, rather, for each jurisdiction to consider what purposes should be served through its electoral system, and then to consider which system or combination of systems would best fulfill those goals. For example, in addition to compliance with the "one person, one vote" rule of the Constitution and the relevant provisions of the Voting Rights Act, a jurisdiction might well consider or factor in other applicable considerations.

On pages 5 and 6 of my prepared remarks I have listed a number of those considerations that well might be made. Of course, that short list certainly does not exhaust the considerations that are relevant to the choice of an election system.

In addition, there are a multitude of variables to be considered in the fashioning of an electoral system. For instance:

How many members will the governing body have?

Will elections be partisan or nonpartisan?

If partisan, will nomination be by primary or by convention?

If partisan, will a majority vote be required for nomination or simply a plurality?

Will a majority vote be required in the general election or a plurality?

Will members be elected at large from single-member districts, or from multimember districts, or from some other combination of these?

If districts are used, who will be responsible for drawing those districts? What criteria will be followed? And how often will redistricting be required?

For positions elected at large or filled from multimember districts, will candidates compete for designated positions, or will they compete against one another—everybody ?

For positions elected at large or filled from multimember districts, will there be limited voting or cumulative voting involved?

And how long will the terms be, and will they be staggered?

Of course, the most basic part of the electoral process, though perhaps the least glamorous, involves the registering of the individual, getting the individual to the polls to vote, and casting the ballot. But nevertheless, this is the essence of the electoral process and must be safeguarded above all else. In spite of that, however, registration and voting systems do not always readily accommodate the exercise of this very fundamental right.

We received recently an example of this in a letter from a resident of West Virginia who is a naturalized citizen and wished to register to vote. To do so, West Virginia law requires that he produce certain specified kinds of documentation of his citizenship. This particular writer didn't have the kinds that had been specified, but he had presented his passport as proof of his citizenship. That was rejected. Now, I haven't checked all the registration laws of the 50 States, but I understand that West Virginia's requirement in this regard is not unique. Perhaps there is a reason why a passport should not be accepted as sufficient proof of citizenship, but at the moment none occurs to me.

Finally, I would like to make one other observation, which I believe is worthy of consideration as we contemplate the changing perspectives in the voting area. In 1990 the census will be taken, and that census is less than 2 years away. As soon as the results of that census become available, jurisdictions all over the country will again begin the decennial redistricting process. This process holds great promise, but at the same time it also is capable of great abuse.

With the trend to single-member districts, more jurisdictions than ever will be drawing new plans. With the amazing progress in computer science and the compilation of more complete data bases during the past several years, the drawing of plans likely will be more sophisticated than ever before. At the same time, legal analysis of the new plans will be more difficult. The courts, as they have in the past, will evaluate the new plans against the one person, one vote requirement of the Constitution, and will also consider the impact of the plans on blacks and other racial and ethnic minorities. In addition, under recent Supreme Court rulings, the courts likely will be considering such issues as discrimination against political parties and protection for nonracial ethnic and national origin groups also.

Even when the focus is on race alone, analysis of such plans is not always easy. I mention these other factors, however, only in an effort to underscore the degree of sophistication with which, no doubt, the post-1990 redistricting process will have to be undertaken. There well may be a need to pay particular attention to this important aspect of the electoral process from the standpoint not only of racial and language minorities in general, but also of these new immigrants as well.

Thank you.

COMMISSIONER BUCKLEY. Thank you very much, Mr. Jones.

We now have Dr. Robert Brischetto, executive director, Southwest Voter Research Institute, San Antonio, Texas.

Dr. Brischetto.

Statement of Robert Brischetto, Executive Director, Southwest Voter Research Institute, San Antonio

DR. BRISCHETTO. Thank you.

I'm going to begin with a backdrop addressing the question of political participation, of what I call politically important demographic facts. If the person who's operating the slide machine will turn that on, I'll show you a few of the facts that we've gathered on this that can serve as sort of a way of introduction.

[Slide]

The first of what I call a politically important demographic fact that really contributes to the perceived political importance of Hispanics in this country, and especially in national elections, is that this population, as we know from statistics released this week, is growing faster than any other group in the electorate, five times faster than the non-Hispanics. Indeed, over the decade from 1970 to 1980, the voting-age population increased by 77 percent among Hispanics. Since 1980 the total population has increased by 34 percent.

[Slide]

We're finding also that another politically important demographic fact is that, while certainly Hispanics are only 8 percent of the total population, and perhaps 4 percent of the voting population this year, they are strategically concentrated. In Texas and California, for example, we have over 50 percent of all Latinos in the country. Those two States have 28 percent of the electoral votes that you need to win the presidency.

There are, however, some demographic facts which tend to diminish the political clout of Latinos in this country. First of all, they're a younger population and, therefore, a greater proportion of them are not eligible to vote. Younger people also are less likely to vote.

Secondly, they are recent immigrants, and a larger portion of them than the rest of the population are noncitizens, an estimated one-third noncitizen. This means that, while 69 percent of the total population in 1980 was eligible because of its age and citizenship status, only 45 percent of the Latino population was eligible to vote.

In California the numbers are even greater. In fact, today in California you've heard estimates—and I think that they're correct—that about half of the voting-age population in California, Hispanic voting-age population, are not citizens.

[Slide.]

These are some of the demographic factors, and they each contribute to a diminution of Latino voting power at the polls. So that in Texas, which I now turn to and is the subject of my study that I wish to present today, while Hispanics are 25 percent of the total population, they are 22 percent of the voting-age population, 19 percent of the citizen population, 13 percent of the registered voters, and 8 percent of the actual voters in November of 1986—similar to the results that you saw presented earlier on California.

California has very similar sorts of proportions: 43 percent of the total population is Hispanic; about 7 or 8 percent of the voting population is Hispanic.

[Slide.]

We begin to ask ourselves the question, then, "What's happening with regard to turnout in these elections?"

Looking at Texas where we have been studying voter turnout in what I call the barrio precincts, those that are 80 to 100 percent Hispanic, over the last 10 years we look at and we can see registration going up for the State as a whole for Hispanics. In fact, it started when Southwest Voter Registration began their work in 1976. In the primary about 488,000 Hispanics were registered in Texas. By 1984 this had topped 1 million.

The same increases occurred but not to the same extent in voter turnout, in voting. In fact, you can see that while the registration has been growing rather rapidly among Hispanics in Texas, the actual number of voters in general, or in this case presidential, elections has not been keeping pace.

[Slide.]

If we look at the turnout rates in presidential and gubernatorial elections, for the general elections, we find that Latinos are lagging behind non-Latinos in regard to turnout. This is percent of those registered that voted. And the Latinos are in blue there. You can see the gap for presidential elections has actually been growing in Texas among Latinos to where in the last election there was a 23-point gap between Latinos and the rest of the population in turnout of registered voters.

[Slide.]

We asked ourselves why this was so, and we also were looking at other elections. In primary elections, for example, we noticed that turnouts for Latinos actually exceeded the State average, in this case since 1980. In Democratic primaries anyway, this has been occurring since 1980. I think this has raised some interesting questions that we need to address.

For the same reason why people do not vote in general, I think you will find Latinos do not vote. And that is they need to have candidates who represent their self-interests. In general elections, we're finding that their candidates, especially local level, that are working the barrios, that they can identify with as representing their interests, are not found on the ballot. They do not turn out in as great proportions as the rest of the population. We found that they can get more excited about elections if they are elections in which they themselves can see candidates that they feel they elected, that they can win.

So we turn to local elections where it's been commented, and it's certainly true, that participation is dismally low generally. Our study which I want to present today has to do with the changes that are taking place on the local level.

In Texas this transformation has been a 70 percent increase in the number of Hispanics elected to municipal offices over the last 10 years, from 1974 to 1984, for example. And I think that it's one of the best substantiated propositions in political science that in jurisdictions with significant minority population concentrations, multimember plurality district elections—that is, the at-large election systems—tend to reduce the likelihood of minority electoral success.

So our study looks at the Texas case where, after more than a decade of voting rights litigation under section 2 of the Voting Rights Act, it is time now to assess what the progress is, if any, in regard to minority representation. So I've embarked on a study, with Dr. Bernard Rothman of the University of California at Irvine, into the changes that have taken place in Texas.

In this case I'm going to present the results of Texas cities over the last more than a decade of litigation, the changes that have occurred from at-large to single-member districts. In this study I want to deal only with the narrow question of racial and ethnic representation. I'm certainly going to be sensitive to differences in the effects of election structures on blacks compared to Hispanic representation in this, and the courts have found that the use of multimember districts is indeed a violation of the Voting Rights Act if these conditions are present—and these are from the Supreme Court decision in *Jingles*.

One, there is a compact contiguous minority population within the multimember district that is large enough to form the basis of at least one majority-minority district if single-member districts were to be drawn.

Number two, that voting in the jurisdiction is polarized along racial or linguistic lines.

Third, that the minority community demonstrates cohesive voting behavior, yet the candidates which it supports lose with sufficient frequency so that they are denied their equal opportutunity to elect candidates of their choice.

So the research questions that I'm addressing in this study and which I wish to present today are: Number one, the most important question is simply the impact of the change from at-large to single-member districts in Texas city council elections because there we have a history that we can look at. Secondly, from a law and policy perspective, a question that concerns the origins of these changes: Did they take place as a result of litigation, or were they simply voluntary?

The third question frequently asked in the courtroom, perhaps a technical question, when they're looking for remedies to a large dilution, is about the size of the minority population that's needed in the district to provide minorities with a realistic opportunity to elect candidates of their choice. Is 65 percent the magic rule of thumb that we ought to follow?

Fourth, which is related and hasn't adequately been addressed in previous studies: What's the effect of black population in a district upon Hispanic electoral success? Conversely, what is the effect of the Hispanic population in a district on black electoral success? The issue of the appropriateness of combining minorities to form a combined minority district as a remedy has been raised in a number of cases, and we anticipate it will be the major issue in redistricting cases in the 1990s.

And the final question that we're asking in this research is of concern to those who wish to fashion remedies and has to do with the effect of mixed plans on minority representation. That is, a plan which is mixed is one which uses single-member and multimember districts. Certainly, these mixed plans have become more common remedies for vote dilution in settlements out of court, and establishing the effect of mixed systems, whether or not the mixed systems are as effective as pure single members, is of particularly interest to policy makers.

My time is limited so I'm going to skip this description of our methods section, but suffice it to say that what we're doing is a quasi-experiment here. We're looking at districts, cities that have changed in Texas, and we've identified 57 of them that have changed that have at least a 10 percent minority population. We did a canvass to identify all the cities that changed in Texas from at-large to single-member districts. These 57 are the ones we actually can get data on. The experimental part is that we're going to be gathering a control group of cities that have not changed, in order to be comparing with that.

One reason I haven't given you the final paper on this, which I will, however, transmit for your records, is that we are now finishing the study of the control group to see if there have been similar changes in those cities that have not changed to single-member districts but have similar characteristics.

Let me show you the results of our study of districts that have changed from at-large to single-member districts.

[Slide.]

I've broken it down by the extent of minority concentration in the population of the city. The yellow represents the percent minority on the city council before the change to single-member districts; the red column represents the percent after the change.

Of course, in those areas which are most likely to have a chance of electing minorities anyway, 50 percent or more, the change is not as great. In those which were less than 50 percent, however, what we are finding is that minority representation on the council actually tripled from before to after the change to single-member districts, particularly in the cities, then, that were between 10 and 50 percent minority.

When we looked at mixed systems and we broke it down—and it's not shown in this slide here, but for the at-large components of the 14 mixed plans that we examined in this group of 26 cities that don't have a majority-minority population in the city, we found that this grouping in the 26 cities yielded minority population percentages that were virtually identical to those of the previous at-large plans. In other words, there was no change in the at-large component. It was 10 percent minority in those before in the council—no, actually 11 percent before and 10 percent after, so there was virtually no change.

What caused the shift to districts?

Well, we also examined that, and of course the answer is simply that the Voting Rights Act did it, and with the assistance of a relatively small handful of attorneys and expert witnesses and a few key organizations such as MALDEF, Texas Rural Legal Aid, and Southwest Voter Registration Education Project, we found that of the 57 Texas cities which have changed from at-large to single-member districts or mixed systems, a majority of them, 38 of them, adopted districting plans as a direct result of litigation or the threat of litigation.

Now, not all of these, though, were court-ordered plans. In fact, it's notable that only 14 percent, 8 out of the 57, were imposed by court order. Most of them took place either by a settlement outside the courtroom after the suit was filed—about 40 percent of them—or by agreement reached in response to the threat of litigation, which was about 11 percent, or voluntarily, which was actually a third of them. Even if we confine ourselves to the 32 cities in which there was litigation, only one-fourth of them actually went to an adversarial trial.

The question of how large a minority population is needed, I think—I'm running out of time—the magic 65 percent rule, we found to be too stringent. In fact, your chances of electing a minority if you have a district that's 50 to 60 percent is almost the same as if it's 65 percent, and that is about 8 in 10, an 80 percent chance.

We built a data base of all single-member districts that had been created and analyzed those to see what the probability of electing a minority in them was, and they are about 80 percent, or between 80 and 90 percent if you have a district that is slightly over 50 percent minority of any one minority group.

Even a combined minority—and we looked at that—produced districts as long as whites were not the plurality group in the district. Where you had a mixed minority, the chance of electing a minority was good.

Let me say in conclusion, in wrapping this up, that after the decision was handed down by the Ninth Circuit in California in the *Watsonville* case, I think we can expect additional lawsuits in California and changes to single-member districts in those areas where the demographic facts permit it.

I think we're going to have to—and I have to agree with Gerald Jones on this—that we're going to have to examine jurisdiction by jurisdiction to see if the single-member district is appropriate in each jurisdiction, and whether the demographics will permit the drawing of districts where minorities can have a chance of electing representatives of their choice.

I think you're going to see a transformation taking place in California to a great extent on the local level now that these changes are being made to single-member districts. I'm not sure if the transformation is going to be as great as in Texas because the demographics are different here, and the minority population is more dispersed. It's going to be more spotty, and the successes are going to be less uniform. But I think you have a change taking place, and it's going to be interesting to watch and see that occur over the next few years.

COMMISSIONER BUCKLEY. Thank you very much.

Will we have copies of these charts in the paper you will give us?

DR. BRISCHETTO. I will give you a copy of the paper, and the charts as well, for your record.

COMMISSIONER BUCKLEY. That will be very helpful. Thank you very much.

Our next speaker is Mr. Richard Dinkins, Esq., from Nashville, Tennessee. We anxiously await your testimony.

Statement of Richard Dinkins, Esq., Nashville, Tennessee

MR. DINKINS. I appreciate the opportunity to be here today. While I certainly wouldn't claim to be a representative of what we call the traditional civil rights community, I proudly claim membership in such, notwithstanding the slings and arrows that the claim puts upon me on occasion.

I've submitted some written remarks, and rather than repeat those I would like to embellish on them a bit.

As a resident of what we in Nashville affectionately call the Third Coast, I come to this forum from what I would consider to be a very practical grassroots approach, being from the South, which was the birthplace of the impetus that led to the Voting Rights Act, and being in practice there and representing the people who are suing to implement that act and receive the benefits of it.

I think that, as this Commission assesses the future of voting rights and political participation, I would hope that that the past would have significant meaning and that as we plan for the future we have to consider the factors which led to the creation of the Voting Rights Act. At the same time I think if we focus only on the Voting Rights Act, then we may not be sufficiently performing the task that's before us. I think the act itself, as noted by Mr. Jones, is limited. Perhaps the most appealing part of the act is the preclearance provision, because at least in certain instances you're not making an after-the-fact, very expensive, time-consuming determination of a violation. So I think that the preclearance provision of the act is a very important and very useful tool.

I am aware, however, that there has been some reluctance on the part of Assistant Attorney General Reynolds to vigorously assess changes under the preclearance provision, and I would certainly urge that the Justice Department return to its former role as aggressive protector and advocate of the interests of the victims of political repression.

With respect to the other provisions of the Civil Rights Act which are more or less dependent on lawsuits and private enforcement, I think that, at least in my experience, the registration of black voters who were previously unable to vote has created the opportunity for exploitation of that vote. A friend of mine said once that politics in America is blacks and women and Latinos and Hispanics being able to vote for the white man of their choice. I think, in terms of full participation, that the various insular minorities have not received the tangible political benefits of what their numbers and the level of their participation would result in. And I think that my assessment goes across party lines; there's enough mud to be slung on both sides.

I believe that there are ways, however, that as a matter of public policy, the situation can be addressed. I think first of all this Commission might want to look at the seven or eight factors contained in the Senate report when the Voting Rights Act was amended. There were seven or eight factors listed as sort of instructions to the courts to find a violation of the act. Many of the lawsuits are involved in things like whether 65 percent is appropriate, or what is a proper rule to measure racially polarized voting, and what have you. I think that the Commission might assist in the adoption of bipartisan objective criteria, for instance, a test of racially polarized voting that could have national significance or national impact—things of that sort.

When we sit in this beautiful hotel and intellectualize about political participation and what have you, I think that we can never lose sight of the fact, at least when I look at rural Tennessee, that when we talk about political participation, we're talking about people being able to have a street paved, a sidewalk, a park, things of that sort, things that some of us tend to take for granted.

I think that the at-large elections and multimember districts and what have you have not only prevented people from full participation, but have affected the willingness of those people to participate. Experience has taught me that if people feel that their vote will count, they will vote. Racially polarized voting tells me that people participate when they have something or someone to vote for.

So I think that the task remaining is to ensure that the vote of minorities reaches the level of full participation. I think possibly that the majority vote has had more participation, more benefits of participation, than its numbers would show. So there may have to be some compensation for that. It may be in the area of the 65 percent traditional wisdom or what have you.

Thank you.

COMMISSIONER BUCKLEY. Thank you very much.

Our next speaker is Dr. Francine Rabinovitz, and she is vice president of Hamilton, Rabinovitz & Alsohuler, Inc., and a professor in the Schools of Public Administration and Urban and Regional Planning of the University of Southern California.

Welcome.

Statement of Francine Rabinovitz, Vice President, Hamilton, Rabinovitz & Alsohuler, Inc.

DR. RABINOVITZ. Thank you for the opportunity to address you.

I want speak to you this morning from the point of view of an administrator. Specifically, I speak as an administrator who has served a series of courts in the aftermath of a variety of civil rights-related decisions in the remedy phase of litigation. A decision may look very different when the rubber hits the road and it's time to decide, in the aftermath of an order, what must actually be done in a school system or an affirmative action program. The courts usually have decided that a remedy is needed and often then left the scene except to hold hearings on whether the system ordered is actually delivering the desired results. It is up to the administrator to decide what must be done.

Few people have talked in depth to date about this stage—i.e., remedy—in the context of the voting rights cases. It is also important to put a California perspective on some of the remarks that the previous three speakers have made about the Voting Rights Act.

If as previous speakers have said, at-large election systems are suspect under the Voting Rights Act because of their alleged impact on minority election of local officials, then California is going to see a revolution in the next 10 years with respect to the implications of the Voting Rights Act for its local election systems. At last count, about 400 of the State's 445 cities elected their local governments on an at-large basis. If this is a system open to regular challenge under section 2 of the Voting Rights Act, that challenge will be used to elect local representatives to the dominant system in the State of California.

Most of these cities already have large minority populations. If you look at 1980 demographics in the largest cities in California, 45 of the 100 largest had large (over 10 percent) multiethnic populations. We are not talking here even about the cities with single concentrations of one ethnic or racial group or another, and we are not taking into account the enormous increase since 1980 in Asian and Hispanic populations, which Mr. Jones referred to and which is particularly striking in California. Forty-five of our big cities already were more than 10 percent Hispanic and black in 1980, and I'm sure that by 1990 we will see much larger numbers, as I'm sure you were told yesterday by the demographers. The California school system is *already* a majority minority system, and my understanding is that the demographers expect the State will have a majority minority population by the year 2000. Thus, California is clearly in the path of the 1982 amendments to the Voting Rights Act.

But, as Dr. Brischetto pointed out, it is demographically quite different than many other States where the Voting Rights Act section 2 provisions have been applied. In particular, the Hispanic population at the local level tends to be a lot less concentrated within the State and in the larger cities than is true in many other places, and than was true, certainly, of the black population in the South. The dispersion of Hispanic and Asian citizens is increasing in most of the larger cities as time passes, and this dispersion is having impacts on partisan identification of citizens and other activities. In addition, we will soon find in California that Hispanics in many communities are going to constitute a majority of the population and certainly of the school-age population. So, California is an at-large election universe, with very large minority populations, in many cases increasingly living on a dispersed basis in their communities.

Is the remedy which is common in the South—the replacement of at-large with single-member district election systems—the right remedy in this quite different situation? I believe it may not be. But this issue is rarely addressed because as Mr. Jones remarked, if I am quoting him accurately, we have been altering electoral systems for the purpose of increasing representation through a bandwagon approach rather than serious study of what will work.

Let me translate that into practical remedy terms.

California had a particular history and rationale for the adoption of at-large systems. California adopted at-large systems as a liberalizing reform effort. The at-large systems of California were not intended as instruments of repression; they were adopted as instruments of populism. This is the State of the Hiram Johnson tradition. At-large election systems, along with a series of other reforms, were adopted because people thought they would make local government more, not less, humane.

Nonpartisan balloting is a part of that tradition. We even elect—some people find it hard to believe—the Mayor of the City of Los Angeles on a nonpartisan ballot. He campaigns on a nonpartisan basis, and that's because our forefathers thought, and Californians still tend to think, that "streets and sewers are not Republicans and Democrats," that partisanship is not an appropriate determinant of how services at the local level are best delivered. Mr. Dinkins mentioned parks. Obviously, such services as schools, street paving, law enforcement, street sweeping, fire protection, and garbage collection are the things which make people at the local level either angry or happy with local politicians. The short ballot, the city manager system—like nonpartisanship and at-large elections—all were adopted to promote good government. At-large elections in California were adopted, I think it is fair to say, in order to cause government to deliver better services to all people, and not in order to prevent anyone from receiving those services or exercising his rights.

I would urge you, as the revolution in California starts as a consequence of the provisions of section 2 of the Voting Rights Act, to use the study vehicle of the Commission to explore a linkage which I think is not likely to be made in any depth in the courts, the linkage between the form of election and the services and activities of governments.

We are implicitly assuming that single-member districts are not only the best form of representation, if they are, in particular jurisdictions, but also the best form of government. I think that is a largely unanalyzed proposition which is sorely in need of testing. And I think the examples we now have are quite discouraging. Let me give you just a few.

In the city of San Francisco, the whole question of at-large versus single-member districting has, I think it is fair to say, become a political football. The city goes back and forth from at large to single member, to at large, to single member. I suspect that that is neither an efficient nor a progressive way to conduct the business of government.

In a number of other cities around the State, including Stockton, for example, voters thought that they were improving government and getting rid of a system which had been wracked by scandal, in which civil servants were quitting and in which services were deteriorating, by eliminating districts. They were then told they couldn't have the system they had chosen when it was challenged on the basis of the Voting Rights Act.

Again, the issue is not to predetermine the demographic and representational issues, but to ask the question which has not so far been asked or answered: What are the service delivery, the outcome, the governmental consequences of adopting willy-nilly, as Mr. Jones said, in a bandwagon approach, a system which, at least in the State of California, was specifically rejected because it was producing corrupt, inefficient, narrow, factionalized outcomes for people in their communities on a day-to-day basis.

One more example, specific to the large cities of California, is required. One of the things we are seeing here in Los Angeles is the increasing importance of regional issues to the quality of our lives. Some of you may have driven around. I rest my case on the freeways.

[Laughter.]

We are building a metropolis here where residents and employment are separated by vast distances. The residential development, for reasons related to the cost of land, is moving farther and farther out away from the coast, and industrial and other job development not associated specifically with neighborhood services is continuing to be concentrated in a belt which is closer to the coast. People are, thus, going to be asked to commute extremely long distances. That has implications for many other things we share in common, like the air, as well as the roads.

I am quite concerned that, to the extent that we move districts, we move to narrower and narrower jurisdictions at the local level. We focus the attention of city and other local officials more and more narrowly on quite nonoverarching concerns. Regional issues become harder and harder to solve. Regional issues become less and less important when making individual decisions in specific locations. Narrower and more locality-specific and sublocality-specific concerns dominate. That may be appropriate for some decisions, like the fare for the Staten Island ferry in New York, which is very difficult to change because of its importance to a specific locality. But from the viewpoint of transportation, of air, of education, I believe, it may be an inappropriate system.

In short, all of us here today are predicting the importance of the voting rights concepts introduced in the 1982 amendments to the Voting Rights Act to local government systems. At least in this State, where at-large elections are the dominant form, I hope you will press for serious consideration of what the outcome consequences for the actual form and content of government are of a bandwagon flight to districts.

Thank you.

COMMISSIONER BUCKLEY. Thank you very much.

Our next speaker is Sandy Estrada, political consultant, from Dallas.

Statement of Sandy Estrada, Political Consultant, Dallas

MS. ESTRADA. Thank you.

My remarks are focused on the change in Hispanic demographics and its consequences in determining political strategies.

The Hispanic population, as has been so graphically illustrated, is the fastest growing, youngest, and one of the most politically sought-after minority groups this particular election year. I have never seen in any election such a courtship by candidates. The scheduling offices of presidential candidates Michael Dukakis and George Bush must be going crazy. Have a Hispanic meeting somewhere, and the candidates are present also.

Why?

Part of the reason lies in the growing number of these voters and its translation into electoral votes. According to a report issued September 6 by the U.S. Census Bureau, Hispanics are growing five times faster than other minorities. They represent 8.4 percent of the Nation's population. If trends continue as projected, they will become the majority minority in Texas and California alone, two very high population States with a combined total of 76 electoral votes.

Over 50 percent of this emerging population and economic force are concentrated in Texas and California. California's Hispanic population currently sits at 33.9 percent. Approximately 90 percent of Hispanics are located in six States. As a result, those six States have been targeted by both political candidates. They include New York, California, Texas, Florida, Illinois, and New Jersey. These six States represent 173 electoral votes; 270 electoral votes are needed to elect a presidential candidate.

Another reason for accelerating political efforts in the Hispanic communities is this election is a dead heat. The overall electorate is vacillating, and traditional areas or swing votes that most candidates count on are up for grabs.

In the 1984 Reagan-Bush election, Reagan's political wild cards were the Catholics in the North and the lower income Anglos in the South. Similarly, Democrats looked to the Northeastern States, labor union members, and most of the minorities. However, statistics—current statistics, anyway—and polls are indicating these groups are rather tepid in their support. As a result, candidates must seek new alliances.

Hispanics represent about 12 to 13 million people who are of voting age. Most vote Democrat, although there has been incremental (but consistent) erosion in that base. In the 1960s, Hispanics voted approximately 85 percent Democrat. In 1980 and 1984, they voted 56 to 68 percent Democrat, and 44 to 32 percent for Republican candidates, depending on the statistical source.

Some of this erosion can be attributed to Hispanics becoming increasingly disillusioned with unkept political promises. They know they are being taken for granted, and they know they are developing more bargaining chips because of their increasing number of voters. They have become more issue oriented as a result of special problems peculiar to their culture. And, quite honestly, they're less likely to be deceived by traditional political or patronizing gestures. Merely speaking a few words of Spanish or eating tamales correctly is not being equated with having an understanding of Hispanic interests.

Facilitating their emergence as a viable political force is tenacious efforts of various voter registration drives, such as those by organizations like the Texas-based Southwest Voter Registration Education Program or various nonpartisan community groups. Voter registration programs are also conducted by partisan political groups.

However, despite these trends and efforts, cultural and sociological obstacles reduce the speed of this emergence. Hispanics, unlike other minorities, are least likely to be monolithic, which is why it is rare to see this group as a whole follow just one leader, even if he is as charismatic as a Jesse Jackson or a Martin Luther King. The most effective method of offsetting this is to encourage Hispanic candidates to run for office. When a Hispanic candidate is in a political race, it always increases participation, enthusiasm, and voter turnout. In Texas in 1986, when attorney general candidate Roy Bererra campaigned for statewide office, he garnered 38 percent of the vote. Similarly, San Antonio Mayor Henry Cisneros has enjoyed the same amount of enthusiasm. In Dallas, a Hispanic candidate ran for an at-large city council seat against four other people, and he won without a runoff. Such an occurrence is extremely rare; the difference was the Hispanic turnout.

Another obstacle is the overall pattern of Hispanics to mainstream into the general population. This results in a reduction of single-member Hispanic districts. Single-member districts are perceived as being more advantageous to minorities. For example, in Dallas there are about 20 "Hispanic" precincts that anytime anyone runs for office are always targeted. But there's not one of those 20 precincts that yields more than 10 to 15 percent of the Hispanic vote. Try to draw the lines for such a district. I dare anyone. The result has always been something resembling a Picasso painting, which is doubtful any judge would appreciate.

Other factors impacting Hispanic voting are age, education, and economic level. The Hispanic population represents the youngest age group of any minority. One-third of the population is below 18. The median age is 25. This severely decreases their voting strength. Statistics indicate that the most committed voters who turn out at the polls are between the ages of 45 and 75. In addition, 49 percent of this large group of young Hispanics will not complete high school—an alarmingly high percentage compared to the general public.

Politically, this disparity in education has caused many adults, though, to mobilize and become single issue. They are voting their outrage. Many Hispanic mothers or fathers refuse to go to the schools and protest the inequality or the mediocrity of the public education system. They instead go to the polls.

Candidates have increasingly taken note of this accelerating outcry. In the last 3 to 5 years, a dominant political issue has been education and whether a candidate can do anything about it or not. It's an electable issue. It is not any accident that George Bush or Michael Dukakis are stressing that our children are our future and that we must improve our educational system. While these words do play well amongst the crowds, they are a reality.

Our current public education system is a nightmare. I have five daughters in that public school system, and I am totally appalled. Yet, mine are in what is considered to be a "better" school district.

Another disparity is in economics. Hispanics share a disproportionate share of the poverty level. According to a study conducted by Emily McKay called *Hispanic Demographics: Looking Ahead*, Hispanic unemployment is around 60 percent higher than that of Anglos. Twenty-three percent of Hispanic households are headed by women who earn 57.5 cents to every dollar earned by their Anglo male counterparts. Hispanic men don't fare much better in this wage comparison. Such economic disparity handicaps Hispanics and contributes to the perpetuation of a static state—a state where participation in the electoral process and political representation is impaired.

For the generation of Hispanics presently voting, efforts to encourage political participation at all levels must not cease. This hard-working group ingrained with traditional family values will be more vocal and politically independent on single issues affecting their families.

For the next generation, however, the one-third of this fast-growing ethnic minority who are below the voting age, sociological inequities must be solved. Their numbers are only going to increase, but without change, so will the problems. Parents will continue to push for a better life for their children, but it is incumbent upon society to see that such a life is equally attainable for this eager group. We have an exceptionally talented pool of young soon-to-be voters who will be our future—they are a gift too precious to waste.

Thank you.

Discussion

COMMISSIONER BUCKLEY. Thank you very much.

We'll now go to the question and answer session of this panel, and I have to ask that you limit it to one question because we are really running short of time.

Dr. Allen said he wanted to be first. One question, sir.

CHAIRMAN ALLEN. Wonderful, Commissioner; thank you. Except I think you misunderstood me. We will allow each Commissioner one question, not limit the session to one question.

[Laughter.]

COMMISSIONER BUCKLEY. I'm sorry; one question per Commissioner.

CHAIRMAN ALLEN. We will be trespassing on people's lunch time if we go any longer, and indeed I'm not going to ask the many questions I have recorded here after listening to your very useful presentations, all of which raised things I would love to talk about with you at length. This is perhaps the one panel I would almost want just to turn loose and have you talk among yourselves for another hour or so, having listened to you.

But I do want to make one observation, since Ms. Rabinovitz mentioned the judge who sought to outlaw the use of the term "minority" in this complex demographic situation we now have. I want to make the observation that I have reflected the last day and a half, hearing all of us use this term "majority of minorities," that we were in some sense misspeaking, not with ill intent, to be sure, but we seem to be describing a future and a phenomenon which no one seems quite willing to dare to name. And that term "majority of minorities" sounds almost like an inversion of what the true future is thought, or perhaps feared, to be, namely, a future in which the so-called Anglo or white becomes the only significant minority in the United States.

We probably are going to have to learn how to deal with whatever that means and whatever the various fears are that we're hearing people refer to in relationship to it.

So I will make that observation. I will not raise any of the questions; I will not talk about voting rights—and you know what great self-restraint that is on my part. And I will ask my Commissioners to show similar restraint because we really must have appropriate time for lunch.

COMMISSIONER GUESS. I was just going to comment, Mr. Chairman, that your restrained observation was getting so long.

[Laughter.]

CHAIRMAN ALLEN. I timed it.

COMMISSIONER GUESS. And in the interest of that I'm going to yield to my colleagues.

COMMISSIONER BUCKLEY. Mr. Destro.

COMMISSIONER DESTRO. I will also yield.

COMMISSIONER BUCKLEY. Mr. Chan.

COMMISSIONER CHAN. I only have one question.

As we all know, right now the law allows an employee 2 hours to go to the voting poll to vote. That's the legal voting right; right? What do you think of legally allowing the employee to be solicited by a social worker or any organization to make the absentee ballot? Because some of the minorities in their profession don't even have the 2 hours of luxury to go to the voting place. Yet, if somebody solicits for the absentee ballot, if it's not legal they could be fired, because in many companies you cannot talk about politics while you're on the job.

I just want your opinion.

MS. ESTRADA. In Dallas, we have suspended some conditions on absentee balloting. Normally, you had to prove that someone was dying, or you had to have some really outrageous excuse to get to vote absentee. We have eliminated all of that, and as a result, it's become an increasingly more used tool for elections. Absentee voting has increased dramatically as a result of just eliminating the excuses. It also greatly assists the highly urban areas such as Houston where your drive time to go to work is an hour and coming home is an hour, and you miss going to the polls.

COMMISSIONER CHAN. Thank you.

COMMISSIONER BUCKLEY. By the way, that is in the whole State of Texas now. It's a State law that you don't have to have it restricted and give your reasons for voting absentee.

Mr. Friedman.

VICE CHAIRMAN FRIEDMAN. I was planning to yield, too, but I don't want to give you the feeling that we're disinterested in your testimony. Are you concerned about eliminating any of the obvious and subtle barriers to minorities voting, or is there also some feeling—and here I'm really asking a more complicated question—that there should be minority representation based on the proportions of minorities in the population? I want to know how the panel feels about that issue.

COMMISSIONER BUCKLEY. Go ahead, Dr. Brischetto.

DR. BRISCHETTO. Okay, let me address that because it seemed, perhaps, from our study that that's what we were using as the standard as to whether or not there was proportional representation. Actually, measuring representation is simply a way of indicating that minority candidates are electing candidates of their choice. Whether they are minority candidates or not, I think is not so important. The fact is that you want to remove the barriers so that their vote will count as much as the vote of anyone else and not be diluted.

But it is a good way of indicating that progress has been made in opening and reducing those barriers, and that's what I was using as an empirical indicator of the breakdown of those barriers in Texas. I'm not suggesting that we need to have proportional representation or that it's a must, but certainly the Voting Rights Act says that it is not a standard that's to be used.

MR. DINKINS. May I elaborate on that a little bit?

At large is a manner of election. Now, there's another hidden issue about the functions of that particular body, and that is merging. In a lot of cases, you're merging the legislative function with the administrative or executive function, and that makes representation more important because not only do you not have access to the particular jobs or what have you that the city has through the administrative function, but your concerns are not on the legislative agenda, the primary legislative agenda being the budget. So your street isn't paved; your sidewalk isn't paved.

So I think when we talk about proportional representation and what have you, I think representation is more important than proportion. Like you said, it is the ability to elect the people you want to have elected. And if that turns out, in a nine-member board, to be three out of nine, then with that as a measure of representation, it's not an objective.

Commissioner Guess. I have one quick question, Madam Chairman, which only reveals my ignorance as we discuss voting rights and changing demographics. Does the constitutional provision for the Electoral College pose any voting rights threat? Does that make sense?

Commissioner Buckley. In 10 words or less.

Commissioner Guess. Somebody; I don't care.

Mr. Dinkins. I don't know if there's a voting rights problem. It may be one person, one vote. Some people say that the Senate of the United States is unconstitutional.

Commissioner Buckley. Well, we certainly thank you for your time, and we certainly have a lot more questions. Believe me, we could keep you here for a long time, but we do have time constraints. So thank you all very much for your presentations.

Chairman Allen. We hope you can join us for lunch.

We're in recess and we'll return at 1:30.

[Recess.]

Afternoon Session

Chairman Allen. I will ask whether the members of the next panel are here. I know I see Ms. Graves. Good, we have a good part of it. We do think we need to begin, so I'll ask you to come forward and I'll read from my right to my left: Eugene Garcia, Stanley Diamond, Henry Der, Mary Louise Longoria, Sherryl Graves, Reuben Trinidad.

I'm going to reopen the forum at this point, which gives me the occasion to say that we have available services for the hearing impaired, and the interpreter is making that known to those of you who are presently in the audience. She would appreciate it if you'd signal her with a wave of the hand or whatever so that she knows if you actually need the service, and lacking which she will probably sit down for a bit.

Changing Demographics in Education

Chairman Allen. I want to say welcome to the panelists this afternoon, and I'm very grateful to all of you. Very many of you have traveled quite long distances to be with us, and we're very appreciative of that. We're also particularly appreciative that Mr. Der is with us this afternoon in spite of having recently experienced a family emergency. I want you to know, Mr. Der, that we appreciate that.

The last forum deals with the question of changing demographics in education, and we're going to go ahead and begin to create our record, and I will assure the panelists that my fellow Commissioners will all appear very shortly, as well as the remaining portion of our audience who are at lunch.

Because we have a regular Commission meeting scheduled to start at 3 p.m., we're going to go ahead and start this panel now, so as to avoid further time complications. So, Commissioner Buckley, will you please.

Commissioner Buckley. The next panel that we're looking at is the panel that addresses education, and the focus is the impact of changing demographics in education.

From the right to the left we have Professor Eugene Garcia from the University of California in Santa Cruz; Mr. Stanley Diamond, board member of U.S. English, San Francisco, California; Mr. Henry Der of Chinese for Affirmative Action; Ms. Mary Louise Longoria, director of community affairs, California Association for Bilingual Education, Los Angeles; Dr. Sherryl Graves, professor, Hunter College, City University, New York; and Dr. Reuben Trinidad, principal at William C. Overfelt High School.

We welcome you, and we will listen to you attentively.

Professor Garcia.

Statement of Eugene Garcia, Professor, Merrill College, University of California-Santa Cruz, and Education Board Chairman

Dr. Garcia. Thank you very much. It's a pleasure to be here all the way from Santa Cruz. It's not really that far.

I am reminded a bit you've already been listening to people for about a day and a half, some of them very celebrated, so let me start out with some concerns about the challenge. My task is clear, that is, to try to address issues that are relevant to demographic changes, particularly to the education of the linguistic minority students. That population is growing rapidly, as the panelists told you this morning, in six States and across the country, reaching a situation in which again the terms "majority" and "minority" are meaningless.

The focus of my remarks is in four areas.

The first area I'd like to talk a little bit about is the status of linguistic minority students, that is, their academic achievement status, their educational treatment status, and controversy that relates to the education of these students regarding both their achievement and their treatment.

Secondly, I would like to talk a little bit about effective educational programs, and essentially this is the "bad news-good news" duo. And there is some bad news with respect to what's happening with these students. On the other hand, we think there is some good news and would like to share that with you.

Thirdly, I'd like to provide some notions about a comprehensive approach to what I would call effective instruction. I would essentially make the case that the next civil rights challenge with respect to these students is what all my colleagues in education call providing effective instruction and effective education.

Lastly, I would like to comment on an article by Sidney Hook. Actually this was a request by your chairman, Chairman Allen, an article I was sent in the mail, and I was asked respectfully to comment on it. I hadn't intended to get into what I call the politics of language minority education, but certainly that article thrusts us into that. And having been a member of a 50,000-student board of education, I understand the importance of politics in education so I will try to address that issue as well.

First, let me address the issue of the educational status of linguistic minority students in this country. From a number of national reports, most specifically the National Assessment of Educational Progress in 1986, 1987, and 1988, and the General Accounting Office report of 1988, we have some idea of how many of these students there are and how they're doing in school. The GAO reports something like 1.5 million of these students in this country. As you heard earlier this morning, they're fairly concentrated in about six to seven States, most of them being Hispanic. Other reports identify anywhere between 1 million of these students to 3.5 million of these students, depending on how you count their heads and define their heads. Suffice to say there are a number of them, and they're growing rapidly.

How are they doing in our educational system? In general we all know, thanks to the NAEP reports, that minority students are doing significantly badly with respect to nonminority students in the areas of reading, math, social science, and science, as measured by standardized achievement tests.

For linguistic minorities this story is the same. For instance, at grade 11 writing achievement was slightly above the 8th grade level. That is for 11th grade students. And we all know the dropout rate, Hispanic students in particular. These students were reading at or below the 8th grade level. Clearly, that does not indicate that our educational institutions are serving these students well.

However, the demographic data also indicate that by the year 2000, 20 percent of our school-age children will speak a language other than English on their first day of school. That's a substantial number, not only for a State like California, but for the Nation as a whole.

Now, other studies, the High School and Beyond study, the Committee on Economic Development study, the WICHE study, that is, the Western Interstate Commission on Higher Education, all have attended to this new demographic change and essentially dealt with issues relevant to it. Most recently, I refer you to "Crossing the Schoolhouse Border," a California study which not only looks at limited-English-speaking students, but at recent immigrants to this country.

Now, we know how many they are and how badly they're doing. What actually is happening in that educational schoolhouse or classroom?

In a study again by Development Associates, reported in the GAO report, 93 percent of schools that are in fact involved in that study report the use of English as a predominant treatment of these students—93 percent. And 81 percent of schools that are serving language minority students indicate 0 to 20 percent of native language use. When someone argues that these children are not getting enough English, I refer you to both of these studies. In fact, 51 percent of the schools reported no native language was used; only English was used.

More significantly, less than 50 percent of the teachers speak the language of these children, and less than 28 percent of these teachers are specifically trained to deal with the attributes these children bring to school, their language and culture, etc. In essence, we're talking about children who are receiving treatments from individuals poorly prepared to treat them, and dealing with instructional strategies which may be ineffective with them, for instance, the use of their nonnative language.

Lastly, thanks to Jeanie Oakes and her work in a book called *Keeping Track*, we all know that minority students, and linguistic minorities in particular, are primarily found, first, segregated—80 percent of these students are in segregated classrooms. Secondly, these students are in what might be identified as low-level curriculum, what we call in the profession the ditto curriculum, in which skills are practiced almost as if they themselves are worthy of learning.

In essence, the bad story is the institutions are not doing very well with respect to these students.

That's the bad story. How about the good story?

Taking the strategy of Elizabeth Shore, a colleague at Harvard, in her book *Within Our Reach*, she essentially argues we've got to look at the positive side: What are good programs doing for these students?

We were fortunate enough to receive a grant to study what we call effective schooling for Hispanic linguistic minority students. In that study we followed three schools 3 years and were interested in what those programs did in the instructional processes related to literacy and math, how parents were involved in those schools, and what roles teachers and principals played in what we call effective schools.

In these effective schools, students, Hispanic linguistic minority students, were scoring at or above the academic achievement means of this country. What did we find in that study? The good story. From the perspective of a series of questions we asked:

One, what role can native language instruction play in the effective schooling of these students? These effective schools considered native language instruction key in grades kindergarten through third. That is, for 4 years of these students' lives, they received instruction in their native language.

Would the attributes of these programs place non-Hispanic and non-limited-English-speaking students at risk? In other words, how did these programs serve English-speaking students? It was abundantly evident that there was no significant difference between those English-speaking students who were in these classrooms that were called bilingual and those English-speaking students in other classrooms that used only English as a medium of instruction. These classrooms did not do a disservice, either to the limited-English-speaking students or the English-speaking students.

Was there one best curriculum? We could not identify one. However, a well-trained professional staff, articulate, that was able to specify why they were doing things, and implementing an integrated curriculum with literacy pervasive in all aspects of instruction, was consistently observed in these classrooms.

The fourth question we asked was: What instructional strategies were effective in these classrooms in schools? Consistently, we found teachers organized instructional activity to ensure small, collaborative academic activities requiring a high degree of heterogeneously grouped student interaction—no tracking in these schools, no Bluebirds and Redbirds, but heterogeneously grouped students, heterogeneously grouped by skill level as well as language ability. Individual instructional activity was minimized and cooperative instructional activity maximized.

Lastly we asked: Who were the key players? Who made the difference in these effective schools? School administrators and parents were certainly key, but the teachers made the difference. They achieved the educational confidence of their peers and supervisors, allowing significant autonomy. They worked to organize instruction, to create new instructional environments, assess effectiveness on a systematic basis, advocate for their students when they had to, and generally exert their commitment to successful academic achievement for all of their students. They were proud of their students; they were confident of their students. They rejected any notion of academic, linguistic, cultural, or mental inferiority in their students.

In general, we would say that good stories do exist. Effective instructional strategies are possible with linguistic minority students, and the studies that we have provided, as well as those by Tom Carter here in California, would suggest that it is in fact reality.

What is the civil rights challenge, then? I want to argue that the civil rights challenge is to get beyond our myopic view from a policy perspective that all we have to do is fix these kids' language and, more importantly, to make them American. Our strategy has been, put simply, "Let's make them speak English and let's make them American, and that will solve their educational problem." Ladies and gentlemen, we would argue that that's not the case. Educational research would suggest that we need a comprehensive approach to the successful education of these students.

Specifically, this means comprehensive assessment of their needs; it means access to English instruction; it means cultural orientation for children that are immigrants; it means orientation and participation of parents; it means communication and articulation with other community agencies. Gone are the days when we think schools themselves can fix problems. Schools are only one component of the societal treatment situation or intervention for children.

We need strong staff development, recognizing that the education of linguistic minority students is still an innovation. We're still trying things. We can't continue as if we know everything there is to be known. We must perceive it as an innovation and prepare our staff to deal with new changes, new theories, new models.

Native language support for children in content areas must be advanced. It's as if we tried to teach language and skills absent of content. That is nonsense. You don't learn to speak without having to speak to somebody about something.

Moreover we would argue, then, that the civil rights dilemma is one that says, "What works for these kids? What allows them?" as opposed to the very stringent notion that all we need to do is to fix their language or make them American.

Lastly, let me speak to the issue that Chairman Allen asked me to speak to, and that is the article by Sidney Hook. In that article, he argues from firsthand experience that there is not enough English in the programs that are dedicated to linguistic minority students. Moreover, he argues there is some conspiracy by teachers and administrators to advance their interests over and above the interests of these children. Moreover, I guess he speaks from a personal experience. We call that, amongst the language minority educational community, the Richard Rodriguez syndrome, in which someone tells their story. S.I. Hayakawa has done the same thing. And I guess I can, too. I can tell you my story. My uncle, 83, tells a story about smoking a pack of cigarettes a day for 50 years. He's still alive, and I'll never convince him that smoking is bad for his health.

In the linguistic minority, we do have people who have succeeded. I am one of them. You may have others at this table. But the data suggest that we're not succeeding with this population. The politics of linguistic minority education has been the politics of bilingual education. Unfortunately, it's within a context in which the powerless and the few are now becoming the many and engaging power that is going to be theirs. The demographics tell us that. That is the context of the struggle in education.

The knowledge we have regarding the education of linguistic minorities is clearly there. We can do it. I've told you specific research examples. The problem is that the politics of education and the politics of linguistic minority education continues to overpower that which we know as educationally sound.

Recall what I said. The role of native language instruction is an important ingredient in effective schooling from what we know of it. It doesn't mean it's the only way. Fixing the language of the students does not solve the problem.

Lastly, to produce the product or the next phase of civil rights activity with respect to this population will clearly be centered around effective schooling or effective education.

Let me close by quoting George I. Sanchez, who actually wrote in the 1930s, when he was arguing against the use of IQ scores, particularly for Spanish-speaking students and immigrant students in the United States—he was way ahead of his time; we know now we shouldn't have been doing that. But he said, "We must do the things right that we do in education, but we must also do the right things." That challenge has not gone away from us.

Thank you very much.

COMMISSIONER BUCKLEY. Thank you, Dr. Garcia.

We'll now hear from Mr. Stanley Diamond.

Statement of Stanley Diamond, Board Member, U.S. English, San Francisco

MR. DIAMOND. Thank you, Commissioner Buckley and your fellow Commissioners.

The argument is now joined, because we take a totally different view than Professor Garcia has related to you, and we may as well start with Professor Hook.

Professor Hook relates his being born in the New York ghetto and, after his degrees at the universities, teaching in the ghetto schools. So he is doing more than relating anecdotal experiences; he is saying that not enough English is taught, that hanging onto the language of the home by the children is not in the best interests of the children. And although Professor Hook said this in 1985, we've been saying it since 1983.

Professor Hook says that those who have made their living by giving instruction in bilingual education programs press to continue these programs in order to guarantee employment. If most of those now engaged in bilingual education were able to communicate and teach their subject matters effectively in English, they could easily be absorbed into the mainstream educational process. To be sure, jobs are important for everyone, but the educational needs of our children should have first priority.

That's what we say about bilingual education, particularly here in California, and most particularly here in the city of Los Angeles or the Los Angeles Unified School District. It is a scandal that children here continue to be taught in their native language, and we say this—I have been saying it for years—that this is scandalous and that it is a billion-dollar-per-year scam in this State. There are methodologies that are much more effective in addition to the child's being taught in the child's first language which are called transitional bilingual education. Their methodologies have nice technical names like "sheltered English" and "structured submersion," but they all work.

Seventy-nine percent of the teachers in this city oppose bilingual education as it's being taught in this city, and I personally have made many efforts to meet with the representatives of CABE, the California Association of Bilingual Education; LULAC, the largest of the Latino organizations in this country; NABE, the National Association of Bilingual Education; and discuss: Are there methodologies for teaching of immigrant children? What we say is we are dealing with closed minds, not open to innovation, experimentation. Let's try every method; let's see what works, what works best, and give teachers a range.

Now, fortunately in California our Governor did veto the last bilingual education bill presented to him last year. So we do have in our 1,208 counties some freedom of the school districts to begin to look for ideas and methods that work better than this failed, ineffective billion-dollar scam.

I want to back up a minute to tell you a little bit more about our organization so you can see where we're coming from, because what I've been saying for years is that it's a pretty dull day when I am not accused of being racist, xenophobic, nativist, and during our campaign here on Proposition 63, it was more like twice an hour. U.S. English is the fastest growing public interest organization in this country. It was started in 1983 by then-Senator Hayakawa with 300 members. We now have 360,000 members nationally, and we'll be over 500,000 by the end of 1989.

Senator Hayakawa, if you don't know his background as well as I do, because I've been associated with him for many, many years, has spent a lifetime in opening up opportunities for—forgive my expression of "minorities." I agree with you, Chairman Allen. I dislike using that term because I dislike any hyphenated American names. As an example, right here again in Los Angeles County there are over 90 languages and cultures, and it's just ridiculous to begin to think whether they're Iranian Americans, Mexican Americans, or Nigerian Americans. We bring this thing to a place where it's an absurdity. So just "Americans" is a term we like to hear.

In addition to Senator Hayakawa, our president is Linda Chavez, who was formerly Staff Director of the Civil Rights Commission. President Chavez of our organization, of course, is Hispanic and brings her special sensitivities to the Hispanic community. My own family are Hispanic. My children are bilingual in Spanish. I have very strong social relationships and orientation to Latin America, and I belong to Hispanic organizations. So I bring special sensitivities, too, particularly to the Hispanic community.

I wanted to mention these things to you to give you a little better picture of our organization because we are perceived in many areas as being anywhere from off the wall to some little conservative tight group that looks forward to waving the flag up and down this country, ostracizing everyone that isn't blonde and blue-eyed, and the rest of it. So I want to assure you we are not in that league. We consider ourselves a centrist organization, and the profile of our members certainly reveals that.

A little bit about our political activity as long as you're here in California, all these citizen initiatives I'm going to describe to you. One was Proposition O in San Francisco, probably the most liberal city in this country, which was a citizen initiative for ballots and voting materials in English only. That won with 66 percent of the vote in the city, the most liberal city. It won in the Hispanic community; it won in the Asian community.

We followed that with Proposition 38, in California also, ballots and voting materials in English only, and that won with 72 percent of the voters in the State. And the big one last year, Proposition 63, a constitutional amendment to establish English as the official language of the State of California. That won with 73 percent. And that 73 percent—it won in every county in the State. Our organization, U.S. English—and I was campaign chairman—didn't spend one cent on advertising. Every major newspaper in the State, with the exception of the *San Francisco Examiner*, publicly opposed us. Every major radio station and television station in the State publicly editorially opposed us. Every elected official of any prominence, from the Governor, lieutenant governor, attorney general, speaker of the assembly, speaker pro tempore of our senate, all opposed us publicly. And with that massive, massive array of public opposition, the people really expressed themselves. Seventy-three percent of the voters in this State supported Proposition 63.

Now, what does that mean? It means that the people, certainly in this State—and that will be our experience in Arizona, Florida, and Colorado—feel what we feel, that English should be the official language of this country. And I hope you all have a chance to read our policy statement back here.

All languages and cultures are precious in our history. They are our heritage, and they should and must be preserved and maintained. But these are not public responsibilities. These responsibilities are in the home, the church, ethnic celebrations, private schools. It's in that context that we ask for a common language in which we can all talk to each other and understand each other, and if we disagree, we can find areas of disagreement.

Now, almost in summation here, I'm getting back to education, which is what your panel of Commissioners would want to hear about. We ask that bilingual education, to use that term—I do not want to use it as a methodology for teaching children in their native language. Our goal for education of our immigrant children is that a number of methodologies be open to our schools, to our teachers, that our boards of education be aware and take very serious notice and recognition that something new must be done or their own continued holding in office is in peril.

I think that's essentially the message of U.S. English, the emphasis on education. Bilingual education has been a failure here in this State. It's a major component of the large Hispanic dropout, the largest of any of the so-called minorities, and changes must be made.

Thank you, Mr. Chairman.

COMMISSIONER BUCKLEY. Thank you.

We will now hear from Mr. Henry Der, please.

Statement of Henry Der, Chinese for Affirmative Action, San Francisco

MR. DER. Good afternoon. I appreciate the opportunity to provide comments before this U.S. Commission on Civil Rights with regard to changing demographics in education. I will use the time allotted to me to target and focus my comments with regard to higher education.

Having said that, though, I find it very difficult to resist making some rebuttal comments to Mr. Stanley Diamond. He and I and many others have engaged in numerous debates over the past several years with regard to his unfounded allegations about the status of bilingual education, Proposition 63, and the like.

Needless to say, Proposition 63 has had no impact whatsoever with regard to the social, economic, and educational discourse that has occurred in the State of California. It's clearly a State proposition that has been advisory in nature, and most reasonable jurisdictions, public officials and the like, have generally ignored it. And that's the way that it should be.

With regard to Professor Hook's article about his experience in bilingual education, I think it's important to underscore that many of his observations are clearly anecdotal in nature, that for any individual policy-making body or public commission to make an accurate assessment about the effectiveness of bilingual education, it's very important to look at the test results of those school children from K through 12 who are participating in bilingual education programs. I challenge this U.S. Commission on Civil Rights, as I would challenge Mr. Stanley Diamond, that you need only look at the test results of those bilingual students in the San Francisco Unified School District or in Brownsville, Texas. The results will show generally that for those individuals who participate in bilingual education programs and who are then reclassified out of the program because they've attained a requisite level of fluency in the English language, their ability to perform in reading, language, and mathematics is comparable to that of those students who are English proficient, and in some cases those reclassified bilingual students outscore those who are native-born speakers.

Now let me proceed to my comments with regard to higher education.

Minorities and women have long recognized that access to higher education is a critical factor in the struggle to achieve equality in American society. As the cost to attend a private college has gone beyond the economic reach of many qualified students, admission as a freshman student to a public university has become an economic necessity for many high school graduates, especially for those who come from low-income, economically disadvantaged families.

With the passage of Title VI of the Civil Rights Act of 1964, institutions of higher learning which receive Federal funding have the responsibility to provide equal educational opportunities on a nondiscriminatory basis without regard to race, ethnicity, or sex. Here in California, our State legislature enacted Assembly Concurrent Resolution 151 in 1974 to prod and push the University of California to recruit and admit underrepresented minority high school graduates—blacks, Hispanics, and American Indians—as freshman students at the University of California and other institutions of higher learning. Since then, the University of California has implemented a student affirmative action program to include underrepresented minority students, so that members of the black, Hispanic, and American Indian communities will achieve a higher education experience and skills to be leaders in their respective communities and society as a whole.

Among all racial and ethnic groups, including whites, Asian Americans in California have achieved the highest eligibility rate for freshman admission to the University of California. According to the most recent California Postsecondary Education Commission report of 1986 high school graduates, 32.8 percent of all 1986 Asian American public high school graduates were eligible for admission to the University of California. For whites, it was only 15.8 percent; blacks, 4.5 percent; Hispanics, 5 percent.

Because UC-eligible Asian American high school seniors have applied for freshman admission to UC in significant numbers, the University of California has never included Asian Americans in its affirmative action programs. Asian American high school seniors must compete with their white counterparts for the nonprotected, regularly admissible freshman enrollment slots.

Prior to the 1980s, each of the eight UC undergraduate campuses could accommodate generally all nonprotected and underrepresented applicants in its freshman class. Between 1985 and 1987, though, freshman applicants doubled at selective UC campuses like UC-Berkeley and UCLA. In spite of the increased demand for freshman admissions, both Berkeley and UCLA have not expanded the size of their respective freshman classes. Consequently, Berkeley and UCLA have instituted the use of subjective criteria to screen in and screen out Asian American and white applicants for the competitive, regularly admissible slots, while maintaining their affirmative action programs to include underrepresented minority students.

Underrepresented minority communities rightfully believe that the University of California has not done enough to recruit and admit black, Hispanic, and American Indian students. Once admitted as freshmen, underrepresented minority students strongly believe that the University of California has been negligent in not providing adequate retention and other supportive services for successful attainment of a baccalaureate degree.

Asian American applicants, on the other hand, fear the institutionalization of admission quotas at the selective UC campuses and the use of subjective criteria in freshman admission decisions. UC-Berkeley today selects only 40 percent of its freshman admittees based solely on grades and test scores.

In the latter portion of my prepared testimony, I discuss in great detail the work of the Asian American Task Force on UC Admissions and its struggles to oppose freshman admission quotas against Asian American applicants. I would like to point out that this task force uncovered, in 1984–85, what we believe to be discriminatory policies by UC-Berkeley to impose a minimum score of 400 on the SAT verbal test requirement to screen out Asian American applicants who come from "permanent resident alien" background.

Secondly, as part of their discriminatory practices in the 1984 freshman class, there was a policy to redirect or reject those low-income Asian applicants onto other campuses, and because of economic circumstances of not being able to attend a campus far away from their home, many of these Asian American rejectees for freshman admission never made it to any other UC campus.

Numerous white families have expressed both fear and anger to the UC president's office about the declining enrollment of white students at the selective, competitive UC campuses. These families have raised objections about UC's affirmative action programs for underrepresented minorities. And these very same families also believe wrongfully that Asian American applicants are benefiting from UC's affirmative action program.

Parenthetically, it should be pointed out that earlier this year University of California-Berkeley officials revealed that for their 1987 freshman class at the College of Letters and Science, 24 percent of their white admittees were admitted without having to compete. Ultimately, the number of whites who were admitted to that freshman class—I mean whites admitted without competition—exceeded the number of black students who were admitted within the university's affirmative action program.

The total number of freshman admission opportunities is finite. This UC freshman admission dilemma raises numerous public policy questions and considerations:

How does society parcel out limited, prized opportunities to population groups that have distinctly different needs and histories?

What does equality in higher education mean for underrepresented group members? For Asian American and white students who compete against each other for regularly admissible freshman enrollment slots, what does equality in higher education mean for them?

As the Master Plan for Higher Education in California calls for the University of California to serve the top one-eighth of the State's high school graduates, what should be the numerical balance between underrepresented students and those who are admitted on a competitive basis? The number of white athletes and other white students who are guaranteed admission to UC-Berkeley equals the number of black students admitted on an affirmative action basis. Should protection or "affirmative action" continue to be extended to white students?

Are grades and test scores, or in some cases meritocracy, still a viable means to screen in, screen out competitive students? What role, if any at all, should subjective considerations play in a "traditionally meritocratic" institution?

The UC board of regents has adopted a resolution which calls on each of its eight undergraduate campuses to enroll a student body that "beyond meeting the University's eligibility requirements, demonstrates high academic achievement or exceptional personal talent, and that encompasses the broad diversity of cultural, racial, geographic, and socioeconomic backgrounds characteristic of California." In order to achieve this desired diversity, should society distribute these educational opportunities through traditional merit, proportional racial or ethnic representation, a lottery system for all eligible applicants, and/or a combination of these strategies and factors?

As the public student body of a State like California becomes more ethnically and racially diverse, and as Asian Americans demonstrate their ability in certain instances to go beyond affirmative action, does the notion of diversity become a strategic defense for whites to maintain a minimum level of representation in highly competitive national universities and colleges?

There are numerous indicators that certain segments of white American society are ill-prepared or maybe unwilling to acknowledge or accept the reality that members of a racial/ethnic minority group or groups have the ability, drive, and stamina to compete vigorously for highly prized opportunities in higher education. Access to higher education has provided traditionally one of the most effective means to gain socioeconomic mobility and to attain leadership responsibilities in American society. The strong desire of and the work on the part of many Asian American students to be admitted to numerous highly competitive national universities and colleges severely tests the willingness and commitment of American society to abide by objective standards and qualifications.

For underrepresented minority students, colleges and universities must absolutely continue to provide equal educational opportunities through necessary student affirmative action programs and strategies. As many go beyond the need for affirmative action assistance within the Asian American community, Asian American students challenge institutions of higher learning to establish equal educational opportunity as fair, open competition without any discriminatory, subjective impediments to hold constant or suppress the presence of Asian Americans in higher education.

In closing, I would add that truly the challenge for the 1990s and the 21st century, as members of minority and racial groups in America work to go beyond affirmative action, is: Is American society truly prepared to abide by the results of colorblind competition in higher education and other aspects of American life?

Thank you very much.

COMMISSIONER BUCKLEY. Thank you very much, Mr. Der.

The next speaker is Mary Louise Longoria from the California Association for Bilingual Education.

Statement of Mary Louise Longoria, Director of Community Affairs, California Association for Bilingual Education, Los Angeles

MS. LONGORIA. Good afternoon.

Before I begin my prepared statement, I want to respond to the article that Mr. Allen asked us all to address. I'll merely add that it is an anecdotal piece of information. It's the shallow perception by one individual whose philosophy possibly reflects the kinds of movements which the English-only movement is founded upon. I suggest to you that this article was probably produced in a syndrome that often afflicts people in higher education, "Publish or perish." I suggest to you also to engage in dialogue with us if you want further information about philosophy regarding language. Any one of us could possibly give you a better viewpoint.

Mr. Chairman, honorable members of the Commission, and guests. I am Mary Louise Longoria, director of community affairs for the California Association for Bilingual Education, and doctoral candidate at the University of Southern California in policy planning and administration. I am also a consultant to the county commission on human relations, but my comments here will be based on and will support the issues of the California Association for Bilingual Education. It is my distinct pleasure to represent CABE, a professional organization with over 2,000 members in 38 chapters throughout the State. Educators, parents, business leaders, elected officials, and policy makers work together with the common interest of providing quality education for all students so that they may be productive citizens in our pluralistic society.

I wish to address the most important issue in education today, language, the basis for all oral and written communication. Enrollment patterns indicate that language has become and will continue to be the most important focus within our schools in the years to come. Educators throughout the Nation have been the first to feel the necessity to examine and redefine alternative policies and methods of teaching in order to ensure the best instruction possible for the ethnically diverse student population that they are presently faced with.

Nationwide, the number of limited-English-proficient students, LEPs, continues to increase. Estimates range from 2.4 million to 3.6 million within the ages of 5 to 14. Proficiency in speaking, understanding, reading, and writing are the basis for effective classroom instruction, and successful bilingual programs are producing skills, not only in one language but in two or more.

The concern, however, is that the number of bilingual programs that exist throughout the Nation are so few for the large demand needing these services. The statistics presented during the forum, I'm sure, allude to this fact. Inaccessibility to language services for students and/or adults needing this support stifles, delays, and limits the very important resources our nation will need to compete in a world economy. Not having access to language services is discriminatory to a population that is here to stay. They're not going away; they're here.

The 1974 Supreme Court decision on language still is in effect, and the decision written by William O. Douglas still holds. I quote: "There is no equality of treatment merely by providing students with the same facilities, textbooks, teachers, and curriculum; for students who do not understand English are effectively foreclosed from any meaningful education."

The ignorance of many individuals that say, "I never had bilingual instruction and I got through school," can gloat in the self-assurance that some made it. But what about the rest? Times are different; classrooms are different. A society is needed where the strength of the country exists in the contributions of all its citizens, not a few. Denying the educational needs of the large numbers of language minority students is to contribute to the demise of the greatest country in the world—America. We cannot let this happen.

The Commission on Civil Rights has been the only Federal body to highlight issues of inequality within our nation. In fact, many of the studies of the 1960s on the educational needs of Hispanic minorities, the Hispanic community, are still being quoted today. It is time that the Commission cease to be partisan on issues that disproportionally affect any element of the population. Our prisons, juvenile justice systems, unemployment, and poverty rolls are swollen by educationally deficient individuals.

Even though each of us uses a personal frame of reference in making decisions, the Commission on Civil Rights is definitely needed in a society that will have to look at why we are falling behind in the world economy while its citizens are eager, ready to learn and cooperate, yet are systematically being excluded by a cultural paranoia mentality to change. It is a national disgrace to not build upon the resources that already exist in the diverse ethnic and linguistic population within our nation. Methodology and instructional techniques will always be in a state of improvement by those in the field of education. The day that we become complacent is the day that we stop growing. The Commission can ensure that this does not happen.

Again, I urge you to rise above partisanship. Visit schools and programs to learn firsthand what is needed. Stay for several hours and ask questions. Monitor programs to ensure that laws, mandates, etc., are being implemented and adhered to. We need that. This is one of the weakest areas that the Commission has allowed to happen.

In the area of language development and policy, the California Association for Bilingual Education can provide you with assistance. Feel free to call upon us at any time. Our constituencies are the leaders of tomorrow and to maintain the global leadership we enjoy today; our language minority population must not be ignored.

Let me recommend three areas which significantly need attention:

Continue, Commissioners, to have visibility.

Conduct research. It's vitally needed.

Bring diverse people together so all decisions reflect the changing demographics.

The problems in education are going to take a multifaceted approach to solve. We need each other.

Thank you for the opportunity to address you.

COMMISSIONER BUCKLEY. Thank you very much. Ms. Graves.

Statement of Sherryl Graves, Assistant Professor, Department of Educational Foundations, Hunter College, City University of New York

DR. GRAVES. It's an honor and a pleasure to be here to testify before you. I would like to let you know that I'm a psychologist by training and currently am at Hunter College working with teacher education.

I was asked to talk about the impact of changing demographics in higher education, and I would like to focus on two areas. The first area would be: What do we see in the area of human resources or personnel within higher education? The second area would be in terms of curricular issues that may have implications for the changing demographics that we're experiencing as a nation.

First of all, in terms of the human resource question within higher education, if you look at minority participation in general—I will tend to focus my remarks on black participation, since I know more about that—there's been a steady decline in the proportion of blacks on university and college campuses. You see this whether you look at the level of faculty, whether you look at the level of graduate students, or whether you look at the level of undergraduate students. About the only area in which you can see some slight increase is in the area of the professional schools, in which blacks have increased their presence in professional schools, especially when they're obtaining their first professional degree.

If you look at the statistics, you will see that in 1975–1976 we had the highest proportion of blacks in graduate programs or undergraduate programs. But from that date to the present, our enrollments on the undergraduate level have declined. On the graduate level it's really disastrous, the lowered enrollments. And black faculty have not increased. You do not see any steady increase in the number of black faculty, be they tenured or untenured, on college campuses across this nation.

If black faculty don't increase on campuses, then you're less likely to have black graduate students, and then you're less likely to have increases in undergraduate students. It's particularly disturbing to note that the proportion of black undergraduate students is decreasing, while the proportion of the population of black students who would be eligible for college is increasing.

Again, I'm tending to focus my remarks on predominantly white institutions. We know that historically black colleges and universities have continued to shoulder an unfair burden of producing more and more blacks, both undergraduates, baccalaureates, or masters, or doctoral degrees. But predominantly white institutions have not taken up any significant portion of this burden, if you want to put it that way, or responsibility, of educating blacks at all levels.

Why are there fewer black faculty on campuses in 1988 than there might have been before? Well, there are several reasons.

First of all, there's generally been a failure to include, in any significant numbers, blacks in the applicant pool for faculty positions. Any black faculty member knows the joke of, "Well, we would have liked to interview somebody, but we didn't know anybody." You usually get that information, of course, after the hiring procedure has already taken place. What happens is that they don't go to the networks that might give them the names of applicants, the names of people who would be appropriate. So that's one area.

Then, if you do have minorities or blacks in the applicant pool, what is the likelihood that they're actually going to be hired for the job? Again, you run into problems because departments may have particular ideas about what areas of expertise they're interested in, and therefore, blacks and other minorities may not appear to be as desirable, because their areas of interest may relate to the minority communities from which they come. Therefore, a majority, male-driven hiring process may not be particularly interested in the topics or areas of research that minority faculty member is interested in, and therefore, a review of his or her research, a review of his or her research interests, leads to subjective decisions that, "This is not an area," or, "This is not scholarly research." Frequently, people have no idea about the nature of the research that you are doing, but they have decided, since they have no idea about the nature of it, that it must not be good.

Finally, as we heard yesterday, there is a clear pattern of black faculty, after having served their time, being overworked because they're expected to be on any committee that has any possibility of bringing any issue about blacks—okay? As a black faculty member you're also expected to be the single mentor for all the black students that are on the campus. You then are put in the interesting position of serving a lot of the administrative needs of the university, and yet tenure decisions do not take into account any of that service that you are expected and required to give. Therefore, there seems to be a difficulty of black faculty gaining tenure and thereby becoming a more permanent presence on university campuses. Those are just a few of the reasons for a lack of a black faculty on campus.

Next you might ask, "Why are we seeing fewer black graduate students on campuses?" Again, it seems to me that there are several reasons we can look to.

One, there is a lack of financial aid there. I was one of the beneficiaries of the good times when there was money for graduate school. I think that all of my graduate training was paid for. There were fellowships available for minority graduate students. And that made a big difference. If you are going for a Ph.D. this is not a 2-year program that you can sort of think, "Well, I can borrow money for 2 years." You are talking about a 4-, 5-, or 6-year commitment because the production of a doctoral thesis is not a recipe-driven activity. So if there is not much financial aid and you have blacks and other minorities with limited financial resources and you do not have parents who can foot the bill, then the commitment to enter into a graduate school program is severely limited.

Another factor, it seems to me, that is relevant for black graduate students is also the issue of recruitment. Basically, graduate schools have the notion that you do not recruit students; students come to you because you have brilliant faculty, they like the research that you do, they are interested in what your topics are, and so—"You are attracted to us." Therefore, they do not do much in terms of seeking out students, to find out ways in which they can attract or interest students in the activities that they are engaged.

Finally, having fewer black faculty on campus means you do not have very many mentors, and if a black student is thinking about graduate school and is looking to find someone who might be interested in the topics and issues that he or she is interested in, or someone who might be a role model, and you do not have very many black faculty there, you may be losing students for that reason.

Why do we have fewer black undergraduate students on higher education campuses? You can basically look at two general areas: poor recruitment efforts, poor retention activities.

The problem is that in all of these areas we have examples around the country where people have been successful. You want to recruit black students? Very easy. You identify them early. How do you identify them early? You have collaborative relationships with high schools around the country. You have speakers' bureaus in which you get black students who are already on the campus to go out and talk to students in the high schools or the elementary schools or the middle schools. You have precollege enrichment programs. You bring them to the campus for the summer; you bring them there in January;

you show them the campus. You know, we can do "show and tell" for days on end.

You want students who have test scores that are in line with your criteria? Well, I live in a suburban community in which all of the students that I know get coached for test taking. It is not seen as insidious, not seen as negative; it's an industry. Yet, when you talk about test coaching for minority students, it is somehow seen as a "no, no," something negative. Colleges and universities could supply some of that test coaching for students who cannot afford the private institutions that charge large fees for helping you increase your SAT scores and, therefore, increase your chances of getting into the college or university of your choice.

So we know how to identify students. That is not the problem. Retention efforts? Again, there are models around the country that work. You have minority students, women students, students who are coming back after 10 or 15 years, or those who have never been to college. We know what to do with them. What do you do? You have orientation programs in which you tell people what is college life like and how to handle it.

You have organized, not disorganized or fragmented, student services. That is, there are students of all racial or ethnic or gender categories who may need help, and you set up a whole system of student aid. If you have students who have difficulty writing, because somehow in this society we do not teach writing anymore, you set up a writing center. And you set up a whole system by which students or faculty can refer students to these services. We know how to do it.

Another thing that we know that is very helpful to students in the college years is, first, giving them leadership opportunities. Again, you may say, "Well, how do we give students leadership opportunities? We only have five student organizations and there are only four leadership opportunities in each of those." But if you think of leadership opportunities as problem-solving opportunities, there are lots of problems on college campuses that need solving. And you can give students, and particularly minority students, opportunities to play out adult roles, taking on responsibilities, trying to analyze situations, and looking for solutions. We also know how to teach leadership skills, believe it or not. You can actually do that, and it has been done before.

Finally, we know that there are certain value-added instructional strategies that are more effective. That is, most college professors teach using the same strategies, as far as I understand, that were used in ancient Greece and Rome. That is, the most advanced technology that they use is a piece of chalk. The standard procedure is the lecture. Yet, we know from psychology and education that there are different ways of teaching. We just heard the possibility of cooperative teaching, peer teaching. There is an infinite variety of things that you can do, and by using these value-added teaching strategies you can certainly elevate the entire educational experience for all college students, but particularly for minority students.

Finally, we also know that mentoring is highly correlated with academic success. Faculty members do not know that. People in the business world know that; other people know that. Faculty do not use it. It certainly can be done.

So it seems to me if you look at the human resources side, we know what to do. It can be done. The issue is: Where is the commitment? Where is the willingness? Where is the determination? You have to put the incentives in the right place; that is, department chairs who get incentives for hiring minority faculty hire minority faculty. If there is some sort of institutional structure that rewards that behavior, human beings are very intelligent; we like to be rewarded, and we tend to go in the direction in which the incentives come.

Switching quickly to the area of curricular issues, we are living in a demographically changing society; we're living in a society which is becoming increasingly global. The issue is, Do college curricula reflect the globalization of our environment and our relationships as well as the changing demographics within which we live?

It seems to me that we cannot solve these problems by having a course here called "global education," or "international education." Neither can we solve it by having simply a department of ethnic studies, whatever the nature of the ethnic studies. We have to start looking at incorporating the knowledge that we have within the nature of existing courses.

I will use psychology as an example. The joke in psychology is that in psychology the whole discipline is based on a white male model. Even the rat was white. Yet, we are talking about the study of human behavior, and as far as I know, not all humans are white or male.

So we have to look at ways of incorporating knowledge that we do have into the mainstream, core curricula of our colleges and universities.

Just a brief note on the bilingual issue. I do not think we would be as hysterical about the notion of bilingual education if we as a society placed a value on language proficiency; that is, if our citizens were encouraged to learn languages. You go to Europe—I've lived in Latin America—and people learn second and third languages all the time. Nobody gets hysterical; nobody worries about it. People also look to each other as resources rather than looking at each other as problems. If I'm an English native speaker who is trying to learn Spanish, and if I'm sitting next to a student who's a Spanish speaker, we could teach each other. I could help her with her English—just using this as an example—she could help me with my Spanish. We might have intergroup relationships that might be better because we had a common goal: we were trying to learn languages; we were trying to increase our knowledge about the world in which we live and the people that we come into contact with in this world.

That would go a long way towards some of the issues that were raised by the civil rights groups about how do we break barriers down between groups of people. You have to look for what we call in psychological language "instrumental behavior"; that is, behavior that leads to some outcome that people may have in common, as opposed to simple strategies that are affective in nature; that is, make you feel good. They may make you feel good, but then 2 minutes later, if it does not have some longlasting effect, it does not go anywhere.

I think I will stop there since my time is up, and thank you for the opportunity to present my views.

Commissioner Buckley. We appreciate your keeping track of the time, and we'll have time for questions and answers in a few minutes.

Dr. Trinidad, if you'll now speak to us.

Statement of Reuben Trinidad, Principal, Overfelt High School, San Jose

Dr. Trinidad. Buenas tardes. Tengo mucho gusto estar aqui. Now, you see that wasn't hard to understand, was it?

I want to remind everybody in the hall not to fall asleep. There's only about 15 minutes to go and the best is yet to come.

I would like to thank the Commission for inviting me to participate in this forum. I'm very happy to be here. I had a plan A or a plan B presentation. The plan A was to impress the Commission and the audience with all quotes and references—quoting Ted Seizer and Madeline Hunter and Ann Tolstoy and so forth, but I think that my colleagues here at the table have done a very good job of that, so I'm going to go to plan B and talk about not the what but the how of what can be done. I think that's very important.

I wish I had about an hour to address the Commission and the audience, particularly after Mr. Diamond's presentation. I'll tell you one thing: If there's anybody in this hall that knows what is really needed in education, it is really this person that is speaking now, and that's a high school principal. Make no mistake about it.

I'll speak to you from the heart and with all sincerity. And I'll tell you one thing right now: Bilingual education and multicultural programs save kids in the high school. They really do. They encourage them to stay there. They get self-esteem. The blacks feel good when they learn about their culture; so do the Asians. The Hispanics feel good because their culture is Spanish—make no mistake about it.

Now, by the year 2000—this is part of the plan A presentation but I'm just going to drop it after this—by the year 2000, which is only 12 years from now, 46 percent of the population in California will be Hispanic, Asian, and black. In San Francisco County alone, 65 percent of the population will be minority, mostly Asian. In Los Angeles County, 60 percent will be minority, mostly Hispanic. Even in white, conservative Orange County, 20 percent will be minority. That's only 12 years from now.

But the most stunning statistic of all, I believe, is that 92 percent of Californians who live in the counties of California—the minority population will be more than 30 percent. You can see what an impact that's going to have on those particularly who belong to the U.S. English organization.

I really cannot understand their concern, if there was a mission, but this is a cause. What big deal is it if somebody speaks Spanish or Chinese or so forth? I think that's beautiful to be able to speak another language or two languages. In a lot of ways, in a very kind way, I feel sorry for people who lost a lot of their culture through losing their language, when you really think about it. Think about that for a minute.

I want to commend the people who responded to Mr. Diamond's comments or belief, because I think they did an adequate job.

Now, what about what's going on in education? I have a challenge to the Commission, and that challenge is I'm going to tell you how you can improve education as a Commission. When I meet with students, faculty, and so forth, I tell freshmen and I tell their parents, "I'm going to tell you how exactly your child can graduate from Overfelt High School, exactly. And if you do that, I guarantee you that he or she will graduate." And I tell teachers, particularly new teachers, "You're going to be a better teacher in June than you are now in September. I guarantee it."

You know, there is no magical formula. There is no magical formula for success for students—I want to correct that—to make it. There is always the concept that students have to survive. That's really a bunch of bull. I know, and you know, that an alcoholic or a drug addict will survive for 10 or 15 years on skid row. You see, the attitude that we need today in America and in education is that we have to *make it*. We're too much on this syndrome of surviving.

We have to make it, and the best way to make it is to have an outstanding curriculum and instruction. Again, at the risk of repeating myself, there's no magical formula for that.

I'm going to tell you about Overfelt High School. Overfelt High School, William C. Overfelt High School, to be correct, is in east San Jose. It's part of the East Side Union High School District. East San Jose has the highest impact in the county. Low-income, 95 percent minority kids attend Overfelt High School, predominantly Hispanic.

Overfelt High School for the past few years has won national and State recognition. In 1988 Overfelt High School was one of 62 schools in the State of California to be recognized as one of the outstanding high schools for academic excellence. This is pretty good when you consider there's over 800 high schools in the State of California, and that Overfelt High School is the only predominantly minority high school to receive this award in the past 3 years. So we're very proud about that.

In a lot of ways, if I were to give my original presentation I would have just gone through it, but as I said, I'm speaking from the heart and I think it's important that I say these things.

If people in the audience and the Commission really want to change things in education, then you have to become involved. You really have to become involved. Parents have to become involved. And this has been brought out by "How to Run an Effective School"-type publications and research.

But the key is not the what, but the how—curriculum is what; instruction is how. But how is this done? How do you get parents involved? Again, I want to repeat that the key to education is really the high school principal. Make no mistake about it. The most powerful person in education is not the superintendent; it's not the school board; it's really the principal.

But how do you get parents involved? Basically, one of the two best ways to get parents involved is to go out in the community and knock on doors, introduce yourself. Say, "My name is Dr. Reuben Trinidad. I'm the principal of your high school. This is your community. I'm a temporary resident. I want to know what I can do to help your community, and then I'm going to tell you what you can do to help your high school"—very basic, very simple.

Another basic way to involve parents is to offer courses on campus. I'm *not* talking about adult education. I'm talking about offering courses on campus for parents at the same time their sons and daughters go to school. That's what we do at

Overfelt High School. On any given day from Monday to Thursday, you're going to find between 35 and 55 parents on campus taking classes—introduction to computers, citizenship, crafts, and so forth—very basic, very simple, no extra cost to the district.

Somebody asked me a while back when I gave a presentation, "How do you get the parents involved? What's the best way to get the parents involved?" I say, "Well, I told you about two. Another way is to have them paint the school. It will only take you 9 weeks to paint 285,000 square feet. But if you really want to get them involved, that's one way to get them involved."

Overfelt High School has not had any major vandalism or graffiti in 5 years since the parents painted the school.

The challenge I have to you, the Commission, and to the people in the audience, is to spend 1 day at Overfelt High School. I challenge you. I sincerely do. You're going to see not the old talked-about curriculum and so forth. No, you're going to see something beautiful happening at a high school. You're going to see kids walking the halls, talking in Spanish, talking in Vietnamese. You're going to see black kids intermingling with white and brown kids and Asians, and you're going to see parents on campus. Then you're also going to find out that the test scores have gone up because of bilingual education and multicultural programs, articulation with the feeder schools, articulation between departments like English and science, and so forth.

It's very simple and very basic. It really is.

Well, like I said, this was plan B, and I am really speaking from the heart.

But let me just say this: A lot of people play with words. An education administrator can be successful by just being on time to meetings, can be efficient by turning in reports. But the key is: How do you become effective? That is the key in public education today.

I find myself a lot of times dealing with politics. At times I'm frustrated with causes like we heard today. It has nothing—that's not really the issue. The issue is that that kid feels good about himself regardless if he speaks Spanish or not, regardless if he's black or white. That's the real issue, that they feel good about themselves.

During my experience, my 20 years of experience in education, I have learned one thing, that you cannot take the culture, the traditions, away from kids. Even white kids yearn—they long for some kind of a culture.

I think we have a lot to learn from our neighbors from the north in Canada, from our neighbors to the south in Mexico and Central America. You know, they're Americans also. It's really ironic that the North American, the Canadian, has accepted French and English, and throughout Canada that's standard now. They accepted that. Throughout Canada you'll see signs in French and English. And you go travel throughout Mexico and Central America and South America, and you're going to see the same thing, many signs in Spanish and English.

Well, let me wrap it up by thanking you for this opportunity. And the challenge I have for you—and I did say I have a challenge. I already mentioned one, and that's to visit Overfelt High School. And the other is to take a stand that was brought to your attention and come out publicly that you do support education by supporting bilingual education and multicultural programs.

Again, thank you for this opportunity.

COMMISSIONER BUCKLEY. Thank you very much.

Discussion

CHAIRMAN ALLEN. Commissioner, let me just say something for a moment. our guests might get the wrong impression from looking at our schedule. I know that they were each afforded 15 minutes and that there were six of them and that there's an hour and a half listed on the schedule, and they, all being good mathematicians, might think that we deliberately intended not to leave time to have discussion with them.

Well, that that was not deliberate. It's just that we aren't always as deliberate as we ought to be. What I'm going to ask us to do is to indulge in another 10 minutes, and for each Commissioner who wishes to ask one question—only one question, so choose carefully. And we can start with Commissioner Guess.

COMMISSIONER GUESS. I just wanted to ask you, Dr. Trinidad, real quick: You, I think, accurately pointed out that where the rubber meets the road is the high school principal, and you've demonstrated your ability to be a fairly good high school principal. I was wondering, are the Reuben Trinidads of the world made or born?

DR. TRINIDAD. I didn't get that last part. Made of what?

COMMISSIONER GUESS. Are they made or are they born? Obviously, every high school principal in the United States is not a Reuben Trinidad. Can we reproduce them?

DR. TRINIDAD. Thanks for the nice compliment. But I think educators have to be challenged. I think standards have to be very visible and very clear, and they have to be guided, supported to reach those challenges.

But in answer to your question, I think they're born. I think there are a lot of good principals that are born with this zeal and this illumination to cultivate and accept the challenge, but at the same time they could be made.

COMMISSIONER BUCKLEY. I have too many questions to just ask one. I'll just comment, if I can, and thank especially these last two speakers for your suggestions as to what we can do.

I teach in a high school and I happen to like my principal a lot, and I really like your ideas about recruitment, because if we don't help the kids know how to get into college, they'll never get in. We need that involvement, and unfortunately not enough people are doing it.

VICE CHAIRMAN FRIEDMAN. I want to address a question to Ms. Graves on the issue of the recent decline of black students on college campuses. As I recall, this is a fairly recent phenomenon. That is to say, there was a trajectory going up for a fairly lengthy period of time.

DR. GRAVES. Yes.

VICE CHAIRMAN FRIEDMAN. Now it seems to be slightly in decline. I don't think it's a huge decline, but that is not the point. The point is that both there is a decline and that the problem exists.

What I'm struggling to understand—and it's with real sympathy that I try to address the issue—if we have knocked out the barriers, the discriminatory barriers, that have prevented blacks and other minorities from participating fully in higher education, and if, indeed, we try to encourage minorities to come forward, where does the responsibility then lie beyond the normal efforts of people to come forward and avail themselves of the opportunities that have been opened up to them? How much should there be governmental and other forms of involvement if, indeed, the barriers have been opened up and there is free play for coming in?

DR. GRAVES. Okay. When you say the barriers are not there, certainly, the legal barriers are not there. But being the society that we are, we have constructed new barriers.

I think where the government can play a part is to make it absolutely clear that education is one of our highest priorities. We're not going to be in the 21st century in any significant way if we do not educate the people that we have here.

Again, it's the same incentive model. If colleges and universities know that this is the criterion by which they are going to be evaluated, then they will make the effort, and they have the responsibility to go out and find the students.

But traditionally that has not been the role of colleges and universities. "We'll sit back and wait for people to come to us because we're so wonderful." That's sort of what academicians tend to think. And I think the responsibility is that the society has to say, "Yes, this is a high priority. It's one of our highest priorities. We're going to look at you and evaluate you on your ability to meet the educational needs of the citizens."

Just let me make a slight comment. Business is already there. In New York City, large multinational corporations in the city look—they've got the same demographic studies that you do, only they probably had them earlier—and they know the work force is going to be female and minority. They have their top managers, whether they want to or not, in courses on sexual harassment, on sensitivity to minorities, and they're making it very clear that the bottom line for these top managers is going to be their ability to personally work with women and minorities and to make sure that those women and minorities and whites can produce the profits that those companies intend to have in the future. They see it very clearly; they're pushing very quickly.

If business can see it, I don't see why educational institutions can't see it. We're usually slower and we move a lot slower, but I think that society has to say, "This is a high priority." Colleges and universities have to be evaluated on their ability to handle these issues, and then they have to take the responsibility to go out and recruit and encourage and use all the information that we have about how you get students into college, and once you get them there, about how do they become successful.

COMMISSIONER DESTRO. Just one question, and in a way it goes to everyone, but I don't expect everyone to answer it. I am reminded of it by listening to Dr. Trinidad, his comments about the importance of the high school principal, and my question goes to bilingual education. My own high school principal on my first day of high school said to those of us who were sitting in the audience anticipating our first foreign language that if we did not come in with a certain proficiency in English, we were already speaking a foreign language and we could wait a year.

Now, I teach law students, and the amount of linguistic inability in professional students in English is abysmal. And so what we're talking about here is linguistic ability first in whatever language you speak, and then how many languages can you speak?

The question that I have for you is: How do we get the focus on linguistic ability first, because if you cannot speak correctly you cannot express yourself correctly, and no one understands you. And that is why people don't understand, among others, lawyers.

DR. TRINIDAD. I think you have to go to the basic thing. You cannot play a football game in a baseball uniform. You're going to get killed. So you have to have top quality bilingual teachers and foreign language teachers. Our research and my experience and all the data we have shows that the bilingual youngsters or the monolingual Spanish-speaking youngsters master the English language better when they're able to master their first language. And it only takes about a year or two.

In other words, a freshman may not even take English—and we have kids that don't even take English until their junior year, and they're going to accelerate; they really do. It's really amazing; it really is. But again, what is the standard that you have at that high school?

CHAIRMAN ALLEN. Commissioner Chan.

DR. GARCIA. Oh, I'm sorry.

CHAIRMAN ALLEN. I'm sorry. You wanted to speak?

DR. GARCIA. I just wanted to add that the data we have with respect to bilingual acquisition suggests you only really learn to speak once, and you really only learn to write once. That is, once you have the concept of communication and articulation, all you are doing is adding new sets of vocabulary. But the important thing about learning to write is that you're communicating to someone, and you can learn that in one language, two languages, or three. But once you've got that, it's much easier to proceed.

MR. DIAMOND. One quick comment, if I may.

CHAIRMAN ALLEN. Yes, Mr. Diamond.

MR. DIAMOND. For Dr. Trinidad and Professor Garcia and others here who are the passionate proponents of bilingual education, let me give a quick definition: that is, teaching in the native language, whatever it might be—there's a landmark case going on in the Berkeley Unified School District, and that is precisely the issue that is going to be tested in the court. High school principal after high school principal—and I was there during their testimony last week—in direct opposition—direct opposition—to Dr. Trinidad and Professor Garcia, say over and over and over—at least six principals in the Berkeley high schools said, "The proficiency in English is going to be coming from"—and this is the term they all used—"time on task." Time on task. That means how much English are you reading, speaking, hearing, interchanging in your class with your peers.

So you have big opposition to everyone who's taking the position that two languages in the school while learning English works.

CHAIRMAN ALLEN. Okay.

Commissioner Chan.

COMMISSIONER CHAN. I'm aware of the many civil rights problems among the education area, but since I can only tackle one area I'd like to address this question to Mr. Der.

Before I ask the question, I'm aware of the UC admission problem. As a matter of fact, the California Inspector General already performed an audit on the UC admissions system, and I'm in the process of studying it. I haven't finished that. But I'd like to remind you that under the Department of Education there's an Assistant Secretary for Civil Rights, and he should be fully aware of it too. If you are concerned about it, I'd like to have a copy of your statement, and feel free to send it to the other concerned party, the Department of Education Assistant Secretary.

Now, I have one question. A while ago you said we should provide equal opportunity for admission. What you're saying is that this should be a true competition for admission. Now, do you have any more specific approach to solving this problem?

MR. DER. Well, when I make reference to competition, I am referring to what the citizens of California have known it to be in terms of admissions to the University of California, based largely on one's high school senior's grade point average. Clearly, what has happened among many of the campuses at UC is that they're going beyond grades, and in some cases they're going beyond grades and test scores. There's a reliance on the written essay; there's some reliance on subjective elements such as extracurricular activity.

For example, at the University of California-Berkeley there was an effort to penalize those students in the admission process who did not pass out of subject A. We know that traditionally well over 50 percent of all Asian students and minority students don't pass out of subject A. They have to take subject A just because of the quality of experience that they may have experienced in high school.

Many of us in the Asian American community have pleaded with the University of California-Berkeley that whatever they do, they must have fair rules, fair competition, at the beginning of the game and not in the middle of the game, because what we believe that they're doing is that as they see the growing numbers of racial and ethnic minority students applying to these campuses, there is a readjustment of the standards and criteria. We are still working very hard to try to pin it down so that they'll have well-publicized, well-thought-out admission criteria.

It's interesting that you brought up the issue, Commissioner Chan, about the auditor general's study of the admission processes at the University of California-Berkeley. We on the

Asian American Task Force on UC Admissions, through State Senator Robertie's office, caused that audit to occur.

That report showed quite convincingly that out of 49 admission cases where whites and Asians were compared with regard to their admission rate, even though during that study period of 1981–87, Asian applicants on average had achieved a higher grade point average and, in some instances, higher test scores than white applicants, I believe in 37 out of 49 instances Asian applicants had a lower admission rate than whites.

COMMISSIONER CHAN. Do you—

CHAIRMAN ALLEN. One question only, I'm sorry, Commissioner.

COMMISSIONER CHAN. Just a comment to answer his question.

CHAIRMAN ALLEN. You can't answer their questions, I'm sorry.

I'll give 5 seconds to Commissioner Guess, which can't be responded to.

COMMISSIONER GUESS. There's nothing to respond to, Mr. Chairman. I just want the record to reflect that the Assistant Commissioner of Education for Civil Rights, the Honorable Lagree Daniels of Pennsylvania is not a "him."

CHAIRMAN ALLEN. Is not here?

COMMISSIONER GUESS. Is not a "him."

CHAIRMAN ALLEN. Oh.

COMMISSIONER GUESS. My colleague kept referring to "him."

CHAIRMAN ALLEN. Oh, that's correct. I'm sorry, Mr. Guess.

COMMISSIONER GUESS. I feel compelled that she be recognized.

CHAIRMAN ALLEN. Thank you.

I have one question also for Mr. Der. My concern is the same question Mr. Chan asked you. Your presentation was in many ways dramatic, and it certainly struck my attention, particularly when you described the operation of the system of affirmative action in the UC system as a clever ruse, being turned into an instrument of exclusion and discrimination. And it reminded me of a talk I prepared for the Association for Affirmative Action in Seattle 6 weeks ago, in which I described some of the historical facts surrounding affirmative action without taking a position, mind you, just describing the facts of what happened, to give you an example, when women were treated as a minority starting in the late sixties, and how, as a result of that, those who were the wives, daughters, and sisters of people who'd already been privileged suddenly began moving into positions that minorities thought they were positioned to take.

When I listen to you I hear the echo of that same story about affirmative action. And my question is: When you describe what affirmative action accomplishes so well, and see it as so evil, what on earth makes you think it was designed for any other purpose?

Mr. Der. Well, I don't think time will permit a full answer to that.

[Laughter.]

As I stated in my testimony, Commissioner Allen, many of us believe that there is both a legal and a common sense basis to have affirmative action programs as an effective strategy to remedy historic and ongoing patterns of discrimination against racial and ethnic and linguistic minority groups.

But I think that as groups, whether it is in education or certain occupational fields, or even in the area of management, as minority and racial groups break those barriers as a result of being affirmative action beneficiaries or the like, it's important for society to ask the question: Can we abide in an era where we really will provide equal opportunity and live with those kinds of results?

Because I think that for the longest time, even though many Americans do not like affirmative action, they tolerate it because they don't believe that minorities can or do have the qualifications, experience, and ability to compete equally and fairly.

Chairman Allen. I want to thank you all.

I don't want you to get up right now. I have reasserted myself because I want to play a little fancy footwork. We are now 16 minutes into the time when we should have closed one meeting and commenced a new one, so I'm going to officially close the forums and immediately am going to convene the regular meeting of the Commission on Civil Rights.

So first I close the forums which have been held here in Los Angeles on Changing Perspectives on Civil Rights.

The Political Impact of Demographic Changes

By Bruce E. Cain
California Institute of Technology

Immigration is changing California. During the last two decades, California's racial and ethnic mix has been altered by the continuous influx of nonwhite and non-European immigrants. With the termination of immigration quotas in 1965, the embrace of political refugees from Asian and Latin American countries, and the lure of a strong economy, the U.S. has attracted a larger and more racially varied generation of immigrants in recent years than it had previously in the postwar period. The effect on California has been dramatic. Whereas the State was 87 percent non-Hispanic white (to use a Census Bureau phrase) in 1950, it was 67 percent non-Hispanic white in 1980. Some projections, for what they are worth, suggest that California will be majority nonwhite by the year 2010. Already, the sizable population in the city of Los Angeles is majority minority.

The fact that these recent demographic shifts have been so dramatic has led some to expect equally dramatic social and political consequences. One of the greatest concerns is the potential impact these new citizens might have upon the political system. Immigration has in the past caused momentous political transformations. The waves of first Irish and then Italian and Eastern European immigrants in the 19th century profoundly affected the nature of 19th century electoral parties and elections. The so-called ethnocultural cleavage, nativist movements, inner-city machines, and the Progressive movement can all be traced in some way to the impact of immigration in that period. Even though the absolute numbers of recent immigrants are beginning to rival 19th century levels, it is important to remember that the United States is considerably more populous now than it was then, and so, the proportionate impact of the post-1970 immigrants will be less for that reason alone. Still, the potential for significant new political power would seem to be there. As Latinos and Asians grow in numbers, it is important to ask whether and at what rate they will be able to translate their new-found demographic strength into political influence and representation.

The basic thesis of my paper is that the demographic changes resulting from immigration will inevitably be more dramatic than the political ones. There is now, and there will continue to be in the foreseeable future, an enormous gap between population strength and political power. The realization of the full political impact of immigration will be delayed and softened for a variety of reasons that I will discuss shortly. The frustration that Asian and Latino groups will feel about this will result in increasing numbers of challenges to those institutions and rules that are perceived to deprive minorities and immigrants of their rightful political influence. I will argue that there are institutional alternatives to the present electoral arrangements that the U.S. Civil Rights Commission and others who are concerned about this problem might want to study as means of alleviating the tensions that will arise if we continue to conduct our political business in the manner that we do.

The Electoral Influence Gap

The electoral influence gap is the disproportionality between a group's size and its actual political influence. It can take many forms, and it can occur for several reasons, but what is relevant to the situation of immigrants specifically is the discrepancy between a group's share of the population and its share of the electorate. For groups that depend heavily upon voting pressure to get responsiveness from the system (as opposed to using campaign contributions, for instance), the size of its electoral share is critical. On the whole, the larger the electoral bloc, the more influence it will have on elected officials and political parties. That is not always true, of course, since a swing constituency in a close election can be small but powerful if its voters are pivotal in the final outcome. Also, a group can offset small size with substantial resources—for example, the Jewish population has gained influence beyond its mere voting numbers through fund-raising and organizational expertise. But for disadvantaged groups, the plain fact is that voting is the most effective tool of political influence at their disposal, and the more voters a group has, the more influential a group will be. Thus, a gap between population and electoral size can be of considerable consequence to them.

Unfortunately, this is precisely the situation facing Latinos and, to a somewhat lesser extent, certain Asian groups. In California, Latinos constituted 19.2 percent of the population in 1980 but only 11.3 percent of the eligible voting population and 8 percent of the actual voters in statewide elections. The disproportionality between the Latino population and its voting strength is most glaring in California, but the phenomenon is by no means unique to this State. In Texas, Latinos were 21 percent of the population in 1980 but only 15 percent of the eligible voters, and in Arizona, Latinos were 16.2 percent of the population but only 11.8 percent of the eligible voters. Overall, in the nine States with the largest concentrations of Latinos (i.e., California, Texas, New York, Florida, Illinois, New Jersey, New Mexico, Arizona, Colorado), Latinos were 13.7 percent of the population, but 9 percent of the eligible electorate. The gap for the Asians is, as yet, only a percentage point or two, since their numbers are still small (e.g., only 5 percent of the California population in 1980), but the gap will almost certainly grow in the years to come.

What are the causes of an electoral influence gap? Some are quite simply demographic in nature. First, there will necessarily be a discrepancy between population and electoral size as long as there are large numbers of noncitizens in the ranks of a particular ethnic or racial group. Failure to account for eligibility in this fundamental sense can lead people to overestimate a group's electoral power. Breaking down the Census Bureau's 1980 data into four categories by age and citizenship, we see that only 45.4 percent of the Hispanic population were both over 18 and citizens, 16 percent were noncitizens over the age of 18, 4 percent were noncitizens under the age of 18 (bear in mind that many people think that the Census Bureau's estimates of noncitizens are low), and that 34.6 percent were citizens under 18 (a point we will return to in a minute). In other words, noncitizenship alone eliminated a fifth of the Latino population from participation.

The other side of the coin is that the willingness of the Latino population to participate will be underestimated if one does not take into account factors like citizenship. The fact that Latinos and Asians do not participate at the same level as the white population is sometimes taken to mean that they are indifferent or apathetic to the political process. I would suggest that that is not a proper inference. Let me use an example from a study that I, along with Professors D. Roderick Kiewiet and Carole J. Uhlaner, conducted in 1984.[1] Under the auspices of the Seaver Foundation, we ran a statewide poll of Latinos, blacks, and Asians in California, which, among a number of things, had a battery of items dealing with political

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[1] Bruce E. Cain, D. Roderick Kiewiet, and Carole J. Uhlaner, *Minorities in California*, report for the Seaver Foundation, 1985.

TABLE 1
Percent Participating in Political Activities
(By Ethnic Group)

	Non-Hispanic whites	**Blacks**	**Latinos**	**Asian Americans**
Voted in 1984				
All	76	80	44	48
Citizens	80	81	60	69
Registered				
All	82	87	53	55
Citizens	87	88	72	77
Contributed money				
All	20	17	12	18
Citizens	-	-	15	24
Noncitizens	-	-	6	4
Displayed poster/sticker				
All	8	10	10	6
Citizens	-	-	11	4
Noncitizens	-	-	9	6
Worked on campaigns				
All	6	5	3	3
Citizens	-	-	4	4
Noncitizens	-	-	1	2
Attended political rally				
All	15	16	9	8
Citizens	-	-	12	11
Noncitizens	-	-	3	4
Contacted officials				
All	47	37	25	26
Citizens	-	-	29	31
Noncitizens	-	-	18	20
Contacted media				
All	22	20	18	25
Citizens	-	-	20	25
Noncitizens	-	-	11	23
Worked with group to solve community problem				
All	33	38	19	24
Citizens	-	-	24	32
Noncitizens	-	-	11	11
Number of respondents				
All	317	335	574	308
Citizens	300	313	387	199
Noncitizens	14	4	159	84

participation in various forms. Sampling individuals over the age of 18, we found voting rates among Anglos to be 76 percent, but among Latinos and Asians, it was 44 percent and 48 percent, respectively. However, controlling for citizenship, the rates increased to 60 percent and 69 percent, respectively. A similar pattern can be found for other forms of political participation such as contributing money to a campaign, contacting an elected official, attending a campaign rally, and the like. The important point is that we should not equate low participation in the Latino and Asian population with political disinterest per se (although this can be a factor, as we shall discuss shortly).

A second obstacle, which I have already alluded to, is age. The Latino population is the youngest of the major racial and ethnic groups in California. This presents several problems. Most obviously, it means that a larger fraction of the Latino than the non-Latino population are ineligible to vote on those grounds along. Whereas only 18 percent of the general population was ineligible to vote based on age, the corresponding figure for the Latinos in 1980 was 35 percent. In addition to ineligibility, the age distribution of a group has other important implications. For instance, rates of registration and mobilization tend to be lower in the younger age categories, *ceteris paribus*. Younger voters are more mobile, and moving from one area to another causes them to become unregistered, at least temporarily. Professor Raymond Wolfinger's work has shown that moving from one residence to another is an important cause of deregistration,[2] and since career- and family-related moves occur more frequently in the under-40 than in the over-40 category, younger voters will more frequently slip off the registration rolls after being put on.

Some political scientists have further hypothesized that younger voters have less stake or interest in what happens in their communities, and that this accounts for lower participation rates among younger voters. Whether this theory is correct or not is not critical to my thesis. Rather, the important point to remember is that beyond the problems of eligibility, age can further contribute to the electoral influence gap by causing lower rates of participation among those who are otherwise qualified to participate.

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[2] David Glass, Peverill Squire, and Raymond Wolfinger, "Voter Turnout: An International Comparison," *Public Opinion*, December/January, 1984, pp. 49–55; "Residential Mobility and Voter Turnout," Paper delivered, Conference at University, of Chicago, April 26-28, 1984.

A final demographic consideration related to the electoral influence gap is low socioeconomic status. Lower income, less well-educated individuals on average will note and participate less than middle and upper income, well-educated individuals. Education is particularly important in this regard. Thus, age-eligible, citizen Latinos, falling on the lower end of the socioeconomic scale, participate less than their Anglo counterparts. In fact, in a recent analysis with Professors Kiewiet and Uhlaner, we found that once citizenship, age, and socioeconomic status are all controlled for, the participation rates of Latinos and Anglos are indistinguishable.[3]

The same cannot be said of Asians, however. Many of the Asian groups have high levels of education and above average median family incomes. In theory, once citizenship is taken into account, Asian participation should be comparable to that of non-Hispanic whites. In reality, it is not. This remains something of a puzzle although there are a number of seemingly plausible explanations. Some members of the Asian community argue that the causes are cultural. They point out that Asian immigrants in Canada and Great Britain show a similar tendency of avoiding involvement in politics and concentrating on economic advancement. The "political culture" hypothesis cannot be dismissed out of hand, but another equally plausible explanation for low Asian political participation rates (controlling for citizenship) is that Asian voting strength has never been—and is not yet—at a level of sufficient importance to encourage thinking and organizing as a electoral bloc. It is quite possible that mobilization will increase in the Asian community over the next two decades if the base of Asian voters continues to expand.

Factors such as the frequency of citizenship, a group's age distribution, and its socioeconomic level are critical to creating an electoral influence gap, but demography is not the only cause. To speak of the political influence that will result when nonwhites outnumber whites in the population, or eventually, in the electorate, implies that there is a coherent nonwhite political coalition, or to put it in different terms, that there is a common interest between various racial and ethnic groups. Minority influence in this country would be greater if, in addition to higher participation, there were policy interests that united the various ethnic and racial groups. However, it is clear from my research and that of others that there is no single policy interest among minorities, but rather many different interests, some of which are shared by the various groups and not others.

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[3] Carole J. Uhlaner, Bruce E. Cain, and D. Roderick Kiewiet, "Political Participation of Ethnic Minorities in the 1980s," manuscript, May 1988.

This should not come as a surprise, since the objective circumstances of the various immigrant groups are dissimilar. (See table 2.) Hispanics have a below average per capita income, the lowest levels of education among the major new immigrants, and for the most part, hold agricultural and unskilled manufacturing jobs. Asians, on the other hand, have a high average per capita income (and an even more impressive median family income), extremely high levels of education, and while often underplaced relative to their training, they still end up in business and white-collar occupations. The objective circumstances that groups find themselves in shape the way they look at politics. For that reason, the various immigrant groups tend to differ in political attitudes—e.g., predominantly white-collar groups will naturally tend to view the world differently from predominantly blue-collar groups.

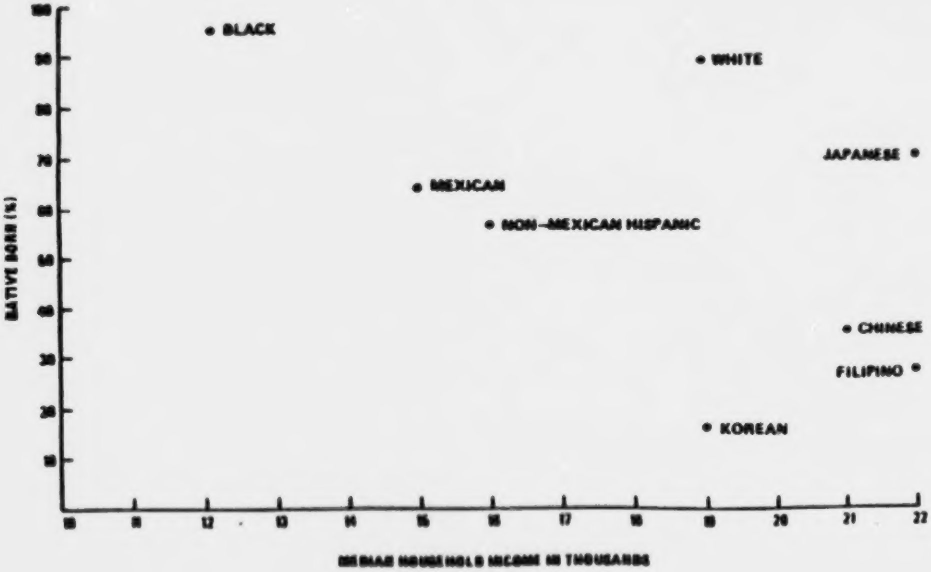
In the previously mentioned study I completed with Professors Kiewiet and Uhlaner, we found a number of important differences in political attitudes between the two major immigrant groups in California, the Latinos and the Asians. I will merely try to provide some illustrative examples in the space allotted. Latino attitudes, we found, were most distinctive from other groups on issues of language and immigration. They were the only group in our study who favored amnesty for illegal immigrants (in 1984 just before the passage of Simpson-Rodino), the only group that did not support employer sanctions, and the most enthusiastic of all our respondents about bilingual education and ballot programs. In terms of left-right ideological self-placement, the Latinos were generally closest in position to, but less liberal than, the black respondents, and more liberal than the Asian or white respondents.

Asians varied significantly from Latinos on a number of items. They only lukewarmly favored bilingual education programs, opposed bilingual ballots, were supportive of employer sanctions, and were less likely than Latinos to favor amnesty for undocumenteds. On issues that fell on a liberal-conservative scale, a recurring pattern was for the Asian Americans to be closer (although usually more liberal) than the whites in our sample, and to be more conservative than blacks and Latinos. For instance, they were less likely to favor increased welfare spending than blacks and Latinos (but more likely than whites) and among the most strongly supportive of all groups of increased military expenditures and the death penalty.

Aside from these aggregate, across-group differences, the prospect of a united immigrant bloc is diminished by a num-

TABLE 2

VARIATION IN MINORITY CIRCUMSTANCES



U.S. CENSUS

ber of intragroup divisions of opinion. One important source of disunity stems from differences in nationality among those with similar ethnic and racial origins. In the case of Latinos, it is well known that Cubans are more conservative and anticommunist in orientation than Mexicans and Puerto Ricans. The differences are no less among some of the Asian groups—indeed, so significant on some issues that one must use cautiously the term Asian Americans with respect to political opinions. For instance, the Japanese, being primarily a native-born and well-educated group but with a legacy of past discrimination, tend to be most like the whites in their political attitudes of all the Asian groups and are somewhat more inclined than the other Asians to identify with the Democratic Party. The similarity of Japanese and white attitudes is a finding consistent with the common wisdom that the Japanese Americans have long had a highly assimilationist ethos. To take another example of differences along nationality lines, Koreans, being primarily foreign born and less well to do, were the closest of the Asian groups we sampled to the Latinos and the furthest from the Japanese on the issues of bilingualism and immigration reform.

Thus, nationality is an obstacle to a united minority interest, even within a given racial or ethnic group. However, there are differences within these communities as well. Latinos, for instance, are divided along generational lines on a number of issues. In 1984, when immigration reform was pending, first-generation Latinos in our study were far more likely than third-generation Latinos to favor amnesty for undocumenteds—specifically, 74 percent of first-generation Latinos, 58 percent of second-generation Latinos, and 49 percent of third-generation Latinos. There were also significant differences between lower and upper income Latinos on a number of issues: Upper income Latinos were more likely to oppose increased welfare expenditures, a ban on Federal funds for abortions, school prayer, gun registration, and employer sanctions.

The point of highlighting these various cleavages within and across the various immigrant groups is quite simple. There is no inevitable, monolithic "Rainbow Coalition" of immigrants and minorities. Neither party is necessarily advantaged by the end of the immigration quotas or the policy of giving refuge to the politically oppressed. Some of the groups, or subsets of the groups, will follow regular partisan patterns (e.g., low-income Latinos will tend to the Democratic Party, and strongly anti-Castro Cubans to the Republicans), and coalitions across nationalities and races will occur in some places and on some issues. But in assessing the effects that demographic change will have on the political system over and beyond the issues of participation, it does to seem at this point that immigration is working in one single political direction.

The Challenge to Political Institutions

The gap between demographic versus political power and the complexity of minority interests present a serious challenge to minority communities. A group's failure to achieve its desired level of political influence and representation can result in frustration and a sense that the system is not fair. This, in turn, leads to legal and political attempts to change the system. I want to explore the perception of unfairness briefly, and to look at the question of how governmental entities might deal with these problems outside the courtroom.

It is impossible to define an objective and noncontroversial set of political rules. However, it is possible, at least, to try to understand why the newer minority groups might think the system disadvantages them. The U.S political system has evolved considerably since the 19th century when the first waves of Catholic European immigrants came into this country. A number of these changes have made it more difficult for immigrant groups to realize power quickly. For instance, registration laws have tightened since the 1840s. Although procedures vary from State to State, they have become more complex and routinized since the 19th century. Voters are now required to register well in advance of an election. Age-eligible citizens must meet residence requirements. The process of becoming a citizen has itself become more bureaucratized and lengthy, which, of course, affects the amount of time it takes before first-generation immigrants can hope to enter the electorate. Additionally, no voters can be purged from the rolls in some areas of the country if they fail to renew their registration.

Wolfinger and Rosenstone have shown that the ease of registration varies across the States (e.g., the number of hours the registration office is open, the number of places that a person can register at, etc.), and that where the registration procedures are most onerous, the turnout is lowest.[4] As a general observation, it is important to remember that as compared to European countries, in which the state frequently assumes the responsibility of keeping voters on the registration rolls, the United States places a greater burden on the individual voter, and that this burden falls most heavily on the less well educated and the economically disadvantaged. Some political scientists believe that, in the interests of eliminating vote fraud, we have made voting in this country more onerous than it need be, and more onerous than it is in most other democracies.

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[4] Raymond Wolfinger and Steven J. Rosenstone, *Who Votes* (New Haven: Yale University Press, 1980).

Aside from registration, the political system in the 20th century is difficult in other ways for new minority groups. Parties are weaker now than they were in the 19th century. This matters because parties, particularly in urban areas, provided an organizational structure that mobilized and assisted voters. Strong parties can also be helpful in a cognitive sense. Partisan ballots and straight ticket options simplify the choices voters have to make, especially new and less well-educated voters. Lastly, the political machines of the 19th century, for all their obvious flaws, had some redeeming features. One of them was their explicitly political recognition that individuals and groups who were part of the machine had to be cut into the reward structure. Thus, for instance, inner-city machines were openly concerned about the needs for ethnic balance in representation. Into the political vacuum created by the departure of political parties, we have substituted a more candidate-centered system, in which organized parties play little or no role in the nomination of financing of candidates. Money is critical, and campaign finance reform has does nothing to alter the fundamental law of political contributions—i.e., more is better.

The fact that Latinos and other racial and ethnic minorities regard themselves as distinct constituencies is in keeping with the general proliferation of special interests in the political system, a trend which has been accelerated by the movement from parties to political action committees. As the ground rules of the political system have changed, so have the political strategies of minority groups. If it was more advantageous in the 19th century to work within the coalition structure of the inner-city machine, it is currently more advantageous (perhaps even an necessity) to operate as a special interest group. It now seems imperative for minority groups to have their own representatives and for communities with well-defined interests to have their own districts. My hypothesis, in other words, is that the demand for "fair representation" of various racial and ethnic minority groups, which has been growing throughout the seventies and eighties, is at least partly fueled by the general trend away from partisan politics and towards special interest politics.

The U.S. Civil Rights Commission is undoubtedly aware of the significant changes affecting minority representation that have occurred in law and legislation during the eighties. Here, of course, I am referring to the important shift from an intent to an effects standard in the renewal of the Voting Rights Act in 1982, and the Supreme Court's 1986 decision in *Thornburg v. Gingles* to reverse its previous standard to accommodate the congressionally mandated new one. This important redirection in legal doctrine should make it easier to prove a violation of the Voting Rights Act and should, therefore, lead to more challenges by groups that feel they have been unfairly excluded from full representation.

Most of the legal challenges to date have been in the South and have involved at-large and multimember district systems. Increasingly, I think we can expect challenges in the Northeast and Southwest, and for other voting arrangements, rules, and institutions to come under greater scrutiny as well. On the latter point, for instance, it is noteworthy that we have had two major suits against single-member districting arrangements in Los Angeles in the last 3 years—one involving the city council and the other the board of supervisors.

The coincidence of legal changes and the general political trend towards group interest politics will result in a number of important legal issues that will keep the courts busy for the foreseeable future. I would hope, however, that the courts do not become the sole arbiter of what are essentially political questions. There is a fine line between what is a constitutional right to representation and what is just good politics. In the easy case, excluding a group from participating in the political system, or rigging the rules to dilute their potential political influence, seems to be a clear violation of an individual's rights to equal treatment and to vote. At the other end, the Court has wisely steered away from declaring that groups have a right to exactly proportional representation (i.e., that their representation in government mathematically match their numbers in the population). To hold the latter position would amount to declaring Anglo-American single-member district systems unconstitutional and to requiring that we adopt European proportional representation rules for our elections.

Apart from the fact that it seems odd to say that our traditional way of doing electoral business is now so horribly at odds with democratic principles, we should bear in mind that there are other considerations that make single-member, simple-plurality arrangements quite desirable. For one thing, single-member, simple-plurality systems tend to avoid legislative stalemate more easily than proportional representation systems precisely because they give a seat bonus to the majority. Depending upon the exact formula that a political system uses, proportional representation can produce anywhere from a handful to dozens of minor (and often extremist) parties.

But even if the Court came to believe that democratic principles mandated exact proportional representation for the major political interests in society (which, I have indicated, is highly unlikely), it would cause enormous disruptions to our other institutions to make the wholesale shift to proportional representation. Just to mention one implication of proportional representation, such systems are normally associated with strong political parties that nominate slates and determine the order of candidate election. There are exceptions (e.g., the so-called Hare system that allows voters to cast ballots for specific candidates and then allocates any extra votes over what is needed to win to the second choice of that candidate's supporters), and they might be implemented in the future (and in a few cases have been at the State and local level).

I am of the opinion, however, that a better prospect for resolving some of these representation problems is a class of rules called semiproportional systems. Semiproportional rules-so-called because they produce results that tend to be more proportional than single member, simple plurality but less proportional than strict proportional representation—seem to me to be a nice compromise between our existing traditions and the pressures for change. The two kinds of semiproportional systems I will mention are the limited vote and the cumulative vote. In the former, candidates run in multimember districts, but voters are given fewer votes than the number of seats being contested in district—e.g., I might get only four to cast votes when there are five seats up for election in the district. The effect of this is to deprive the majority of the kind of stranglehold they could have over the election if members of the majority had the same number of votes as seats. In effect, the votes of the majority are diluted. The greater the gap between votes to cast and seats for election, the greater the degree of majority dilution.

The second variant of the semiproportional class of rules is the cumulative vote. Under this procedure, candidates run in multimember districts and voters have multiple ballots, but they can give one vote to each candidate or all their votes to one candidate. Thus, a well-organized minority group can get its members to place all their votes on its preferred candidate, thereby offsetting the numerical advantage of the majority. Allowing individuals to cast multiple ballots for one candidate is also a way of permitting a minority to express its intensity of preference. Democratic theorists have long worried about the fairness of a situation in which a largely apathetic majority can outweigh the preferences of an intense minority—a form of what Madison called the tyranny of the majority. Cumulative voting can be seen as one kind of institutional solution to this problem.

Another very simple institutional suggestion that would help to alleviate the pressures for greater minority representation is to urge communities to expand the size of their representative bodies as their populations grow. The number of representatives up for election is critical to the proportionality of the outcome. To take one extreme, in a direct democracy, everyone is their own representative, so the issue of excluding certain groups or individuals is nonexistent. At the other extreme, one person representing one million people is almost by definition a disproportional system, since of necessity there will be numerous viewpoints and attributes that will be without voice. Most democracies fall in the middle of these extremes, and most systems—proportional representation, semiproportional representation, or single member, simple plurality—will tend to be more proportional as the *number of representatives* increases (although that is not true for certain kinds of at-large systems). Increasing the number of representatives is thus a simple way of maintaining a greater degree of proportionality (and hence representation for minorities).

But why is this important? The reason is that very few governmental entities choose to expand. In California, where population has soared in the postwar decades, the size of the State legislature and most local government entities has remained fixed. This makes political accommodation more difficult. In the Los Angeles City Council case, it would have been easier to expand the council and create opportunities for the Latino community in that way than it was to gerrymander the lines over the objections of entrenched incumbents and outraged neighborhood associations. Exactly the same choice now confronts the Los Angeles Board of Supervisors. The biggest obstacles to the simple idea of indexing representation to population growth are not the incumbents so much as the public. The public, in the era of fiscal constraint, is wary of expanding government. Attempts to expand the Los Angeles City Council and the Board of Supervisors by referenda have been rejected repeatedly by the voters in Los Angeles County. Clearly, more needs to be done to bring this issue to the foreground and to educate the public on the tradeoffs between representation and the cost of government.

I do not want to suggest that these ideas are the only possibilities, or that semiproportional systems are without problems of their own. Rather, I simply want to argue that if a community finds itself under legal attack in the area of voting rights, or if the problems of accommodation to the representational needs of various racial and minority groups grow, local governments may want to consider alternatives to racially drawn districting arrangements. The experience in Los Angeles is instructive. The Los Angeles City Council had been without an elected Latino representative for two decades when the Justice Department brought suit against the city in 1985. In the course of settling the lawsuit, the existing districts, which divided the Latino community into five parts, had to be reconfigured to create a new Latino seat. It was inevitable that some people would resent the idea of explicitly redistricting along racial and ethnic lines, which was necessary in order to provide a remedy for the Latino community. The resentments tend to be multiplied when the boundaries of a racial and ethnic community do not coincide with standard neighborhood lines, or if they follow a jagged rather than a compact pattern.

As a general rule, geographically based district systems are cumbersome means for accommodating nongeographic interests. To take an extreme example, it is impossible to manipulate district lines to remedy an imbalance in the ratio of male to female representatives. The attribute at issue has to be located in geographically defined space in order for districts to reflect the proportionate strength of that attribute in the population. In many situations of racial and ethnic discrimination, the impulse that causes political exclusion also causes residential exclusion, and so, a remedy is usually possible by carefully drawing district boundaries. But there will be groups in the future who will plausibly claim that they have been excluded, but who will be so dispersed geographically that nothing can be done for them. In such cases, it will be hard to justify giving fair representation to those with one kind of geographical distribution but not to others.

As I indicated earlier, the advantages of semiproportional solutions are that they (1) avoid the need to draw racially and ethnically homogeneous districts, (2) prevent the majority from intentionally or unintentionally excluding the minority from representation, and (3) preserve the geographically based district system that has been the cornerstone of Anglo-American representation. Expanding the size of representative bodies, my other proposal, is simply common sense. Institutional remedies such as these avoid the need for judicial intervention in the line-drawing process. This is important because preferences about representation are subject to changes in taste over time. At present, with the influx of minority groups and the general proliferation of special interest politics, the desire for racial or ethnic seats is on the rise. But any number of factors could lead to a decline in enthusiasm for racial and ethnic representation in the future—for instance, rapid assimilation of new immigrants into the middle class, institutional changes that strengthen parties, or a so-called "critical election" that leads to an electoral realignment—and if that were to occur, we will not want to be in the legal box of having declared that groups have permanent rights to exactly proportionate representation. It will be easier for the political system to accommodate the demands for proportional representation, and then later to take that representation away if it is no longer demanded, than it would be for the courts to bestow a legal right to representation to a group and then to try to reverse its decision at a later time.

In sum, I think there are advantages to keeping political problems outside the courts and inside the political system to the degree possible. Communities may have to adapt and change their accustomed electoral procedures, but these processes are not irreversible and can be changed if circumstances require. The same cannot be said of legal decisions. If we could urge communities to think of simple, pragmatic ways of allowing more parts of their populations to be represented (increasing the number of representatives in a legislative body, semiproportional rules), we could avoid being placed irreversibly in positions that we may later want to abandon.

Hispanic Education Leadership and Public Policy

By Louis Freedberg
Pacific News Service, San Francisco[1]

Education as a Unifying Issue

Education is an issue that seems to unite Hispanics across America, irrespective of background, a unanimity which has profound implications not only for the future of Hispanic children but for the extent to which Hispanics will be integrated into the political process. A 1987 National Education Association study concluded that "education is a key concern of a broad cross-section of the Hispanic community—from parents to politicians and in between. The issues transcend interest in just bilingual education. Underlying that sentiment is the view that the public schools undoubtedly require restructuring to meet the needs of today's Hispanic American student."[2] In a survey of 796 Hispanic elected officials by the National Association of Latino Elected Officials, access to higher education and high school dropouts were rated as the two most important issues facing Hispanics. "Clearly the issue of education is of transcending importance to Hispanic elected officials," the NALEO report concluded.[3]

A quick glance at the educational status of Hispanics makes it clear why education is such a paramount issue in Hispanic communities. There is no disguising the fact that the educational system is failing to serve large number of Hispanics. "In general, the data show that approximately 50 percent of Mexican American and Puerto Rican youth leave high school without a diploma," is the understated observation of a report by the National Council on La Raza.[4] Nationally, Hispanic stu-

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[1] Research for this article was partially funded by a grant from the Ford Foundation.

[2] *...Justice For All*, The National Education Association Executive Committee Study Group Reports on Ethnic Minority Concerns, Washington D.C., 1987.

[3] National Roster of Hispanic Elected Officials, 1987, National Association of Latino Elected Officials, Washington, D.C.

[4] Orum, Lori, *The Education of Hispanics: Status and Implications*, National Council on La Raza, Washington, D.C., 1986.

dents do marginally better than blacks on test scores, but they drop out in greater numbers—and at earlier ages. They are much less likely to earn As in school, and almost twice as likely to have earned Ds and Fs than white students.[5] The end result is that in 1987, 11.7 percent of Hispanics over the age of 25 had not completed elementary school, compared to only 1.8 percent of the total population.[6] Forty percent of Hispanics had not gone beyond the eighth grade, compared to 18 percent of all Americans. Although Cuban Americans are doing better than other Hispanic groups, they still lag behind non-Hispanics. Sixty-one percent of Cuban Americans completed 4 or more years of high school, compared to 77 percent of non-Hispanics.[7]

Nor have Hispanic enrollments at the postsecondary level kept pace with increases in Hispanic population. According to Department of Education figures, the numbers of Hispanics in 18–24-year-old age group increased by 62 percent from 1976 to 1986, while the number of Hispanics in that age group who enrolled in college increased by only 43 percent, from 309,000 to 433,000. Additionally, 43 percent of those students enrolled in college are enrolled in community colleges rather than 4-year institutions that led to graduate study.[8] One bright note is that, after a 2-year decline, the percentage of Hispanic high school graduates going to college increased by a small percentage—from 26.9 percent in 1985 to 29.4 percent in 1986—for a total Hispanic enrollment of 624,000 in institutions of higher education.[9] The National Council on La Raza concludes, however, that there is a "critical and continuing Hispanic underrepresentation in post-secondary education."[10]

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[5] Ibid., p. 29, Data from High School and Beyond Study, 1982.

[6] Hispanics in the Work Force: Hispanic Youth, Part II, National Council on La Raza, September 1987, p. 1.

[7] Education Network News, vol. 6, no. 6, pp. 2 and 3, National Council on La Raza, September 1987.

[8] Figures cited in *New York Times*, Mar. 30, 1988.

[9] Figures released by Department of Education, cited in *Education Week*, Mar. 9, 1988.

[10] Orum, op. cit., p. 37. These statistics have a particular meaning for Hispanics, because Hispanics have a higher percentage of children than any other major population group. As of 1987, 24.9 percent of Hispanics are between 5 and 17 (compared to 18.4 percent of the total population). One in 10 Hispanics is under the age of 5. The impact of this young population is already being felt in large urban school districts where Hispanics are disproportionately represented in kindergarten and elementary grades, most notably in Los Angeles where Hispanics make up 63.5 percent of the kindergarten enrollment (Education Network News, op. cit., p. 2).

If education is indeed a unifying issue within Hispanic communities, to what extent have Hispanics become involved in the schools? If not, what have been the barriers to this involvement? Has attention to education moved beyond mere lip service to actual involvement on the part of community leaders, parents, and organizations? Is there an identifiable educational leadership emerging, parallelling an emerging political leadership? Are strategies emerging to cope with some of the most vexing issues in Hispanic education?

Answers to these questions have considerable implications for the extent to which Hispanics will themselves be able to shape public policy affecting Hispanics. If Hispanics continue to drop out, and underperform, in large numbers, the numbers of Hispanics entering higher education will continue to be lower than their representation in the general population. Thus, while education itself presents some significant public policy challenges, the extent to which the educational system can be made to work for Hispanics will itself have a considerable impact on the extent to which Hispanics will be able to shape public policy in a wide range of other areas as well.

There is also a widespread feeling among Hispanic elected officials and activists that unless major gains are made in Hispanic educational advancement, Hispanics will remain a weak force in American politics.[11] Thus, there can be few more important challenges in the panoply of issues on Hispanic agendas locally and nationally.

Hispanic Leadership in the Schools

In light of the crisis in Hispanic education, and the shared perception among Hispanics that it is a problem that must be tackled, it is no accident that the place where Hispanics have made the greatest inroads into the political arena has been in local boards of education. Of 3,306 Hispanic elected officials in 1987, 1,199 are school board officials, making up the largest category of elected officials.[12] "We do 200 campaigns a year, and a surprising percentage of those are around school boards," says Willie Velasquez, the director of the Southwest Voter Registration Project. "The question of education is a major reason why people get involved in politics in the first place."[13]

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[11] It is well known that voting turnout is positively correlated with education levels. This may help explain low turnout of Hispanics at the polls. In the last Presidential election, only 48 percent of eligible Hispanics were registered to vote, excluding Hispanics who were not eligible to vote because they were not citizens—significantly lower than the national rate (Pachon, Harry, Recurring Issues in Hispanic Politics, Washington, D.C. NALEO Educational Fund, 1984, cited in Abalos, David, "The Politics of the Family," *Journal of Hispanic Policy*, vol. 2, 1986–87, p. 86). Among 18–24 year olds, the actual turnout was only 21.9 percent, compared to 40.6 percent among blacks, and 41.6 percent among whites of the same age. In local electoral politics, there have been considerable advances. The number of elected Hispanics more than doubled from approximately 1,400 in 1972 to 3,317 in 1987. But Hispanic political empowerment is still at an emergent stage, in large part due to the lack of participation of large numbers of Hispanics in the political process. Less than 1 percent of the 490,000 elected officials nationwide are Hispanic, considerably less than their 7.5 percent in the general population (National Association of Latino Elected and Appointed Officials, 1987 National Roster of Hispanic Elected Officials, Washington, D.C., p. xv).

Yet, Hispanics are underrepresented on school boards as in other political arenas. Ninety-eight percent of Hispanic school board members are from only eight states, and 47 percent of these are from Texas. Out of 1,199 school board members, only 24 have been elected in 42 states.[14] Even in Texas, where Hispanics make up 25.5 percent of the general population, they comprise only 8.1 percent of school board members. In California, the disparity is even greater: Only 6.6 percent of school board members are Hispanic, compared to their 23 percent share of the overall State population.[15]

There are other disturbing features of Hispanic school board representation. In Texas, the percentage of Hispanic school board members only comes close to matching the percentage of Hispanic students in districts where Hispanics make up 90 to 100 percent of the student enrollment. In school districts with fewer Hispanic students, Hispanic school board members are likely to be underrepresented in proportion to Hispanic student enrollment. For example, in school districts with a 40 to 50 percent Hispanic enrollment, less than 20 percent of school board members are Hispanic.[16]

An equally serious problem is that Hispanics are severely underrepresented in teaching and administrative positions in the schools. A 1980 survey indicated that Hispanics comprised only 3.5 percent of full-time employees in elementary and secondary schools nationally. They made up 2.6 percent of all elementary school teachers and 1.7 percent of secondary school teachers. Two percent of principals were Hispanic. In Los Angeles, the school district with the largest concentration of Hispanic students, Hispanic students comprise 56.9 percent of the student body, but only 10.2 percent of the full-time teaching staff. On the other hand, Hispanics have fared better in noninstructional and noncertified positions. Nationally, they comprise 7.9 percent of teacher's aides, 5.9 percent of service workers, and 4.4 percent of clerks and secretaries.[17]

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[12] NALEO, op. cit.

[13] Personal Interview, November 1987. Unless otherwise noted, all succeeding quotes by individuals are taken from interviews conducted by the author between November 1987 and March 1988.

[14] NALEO, op. cit., p. xv. Of the total number of school board members (1,199), 1,175 are from eight States: Arizona (77), California (251), Colorado (43), Florida (4), Illinois (11), New Mexico (160), New York (54), New Jersey (18), and Texas (560).

[15] Unpublished figures provided by the Southwest Voter Registration Institute, San Antonio, Tex., November 1987.

[16] Ibid.

As a result of affirmative action and the expansion of bilingual programs, the percentage of Hispanic teaching and administrative staff has increased since 1980, but Hispanic educators are still not close to achieving parity with their numbers in the general population. However, there are some positive signs of progress. The number of school board members has almost doubled since 1970, and Hispanics have assumed school superintendencies and other high-level leadership positions in some of the Nation's key school districts. Additionally, Hispanic organizations on both a local and national level have become increasingly involved in the public schools.

An Emerging Educational Leadership: Hispanic School Superintendents

Although still a small group, the number of Hispanic school superintendents has gradually increased over the past decade. The following are Hispanic superintendents of medium- to large-sized school districts (above 15,000): Hernan LaFontaine in Hartford; Joe Fernandez in Dade County, Florida; James Vasquez in Edgewood Independent School District in San Antonio; Victor Rodriguez in the San Antonio Unified School District; Lilian Barna in Albuquerque (until June 1988); George Garcia in Kansas City; Joe Coto in Oakland, California; Ramon Cortines in San Francisco; and Anthony Trujillo in Sweetwater Unified School District in San Diego. In Los Angeles, William

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[17] Elementary and Secondary Staff Information Survey (EEO-5), EEOC, 1980, cited in Orum, op. cit., p. 45. A study of the possible impact of black teachers on black students provides concrete suggestion of how increasing representation of Hispanic teachers might affect educational outcomes of Hispanic students. Looking at data from 82 urban school districts, the study found that the greater the proportion of black teachers, the less likely black students were to be suspended from school, drop out of school, be assigned to special education or educably mentally retarded programs, and the more likely they were to be assigned to enriched classes. See Meier, Kenneth J., "Teachers, Students and Discrimination: The Policy Impact of Black Representation," *Journal of Politics*, vol. 46, 1984, pp. 253–63.

Anton is deputy superintendent, with Hispanics in key administrative positions throughout the district. (In Texas, there are approximately 50 Hispanic school superintendents, but almost all are in small independent school districts with almost entirely Hispanic enrollments.)

The emergence of this select group of Hispanic educational leaders raises the question as to whether Hispanic leadership makes a difference in the educational outcomes of Hispanic children. While appointment of Hispanic superintendents is welcomed from a purely affirmative action perspective, the larger issue is whether a Hispanic superintendent brings certain insights and sensitivities that allows him or her to be unusually responsive or effective in meeting the needs of Hispanic students. Such a determination could presumably only be made based on a scientific assessment of educational achievement prior to, during, and after a superintendent's tenure. In the absence of such a study, which in any case would be fraught with methodological pitfalls, site visits were undertaken by the author to several school districts (Hartford, Miami, San Antonio, Albuquerque, Oakland, San Francisco, and Los Angeles) in which superintendents were interviewed and programs for Hispanic students were visited.

These site visits strongly suggest that Hispanic superintendents are having a considerable impact on providing direction and shaping new approaches to Hispanic education. Interviews with superintendents reveal that they share common perspectives in several key areas: a belief that all children can learn; an insistence that administrators raise expectations and standards for Hispanic children, and on the need to develop customized approaches to dealing with individual differences; and emphasizing that children at lower achievement levels must be paid attention to in the same way that college-bound students are. All stress the need for dropout prevention programs. Most superintendents express the view that schools must be held accountable for the system's failure to retain Hispanic students, and that what is needed is more than educational "reform" but major structural changes in how schools are run.

Hispanic superintendents appear to be making a difference in at least three areas directly affecting Hispanic students: (1) raising sensitivities of their districts to the unique needs of Hispanic students, acting as a role model for those students, and becoming spokespersons on behalf of Hispanic and minority education in their States and nationally; (2) increasing the hiring of Hispanics and other minorities in leadership positions; and (3) providing leadership in both bilingual and dropout programs.

These superintendents provide the core for an emerging educational leadership within Hispanic communities. Once in office, there are usually high expectations that they will have a considerable, if not immediate, impact on Hispanic and minority performance. But there are major barriers to this occurring in the short term. In the first instance, test scores do not change overnight. Moreover, changing school bureaucracies, among the most conservative in our society, can be a slow and tedious process. Says Jose Cardenas of the Intercultural Development Research Corporation in San Antonio and former superintendent of San Antonio's Edgewood Independent School District:

> You're very constrained in how much you can do. One of the biggest frustrations of being superintendent of schools was that policy decisions and change did not automatically filter down through the hierarchy. And you get assistant superintendents and principals who disagree with you, and teachers who are dysfunctional, and even though you feel you have identified some of the basic problems and you recommend drastic changes in the educational system, there is no guarantee that these changes are going to filter down and that you're going to have drastic changes at the classroom level in methodology and in the performance of kids.

Because of their central role in the educational arena, the reasons behind why there are not a larger number of Hispanic superintendents warrant some examination. First, Hispanics are underrepresented in teaching and administrative positions, so the pool of candidates has been limited compared to other groups. This, says former New York City schools chancellor Anthony Alvarado, is partially a result of longstanding historical forces that have kept Hispanics out of the teaching profession. Says Alvarado:

> As a community, we have been more maleducated and received low levels of education generally. A lot of folks didn't go into education. If you look at New York City 30 or 40 years ago you found a significant number of black educators in the system. They were predominantly Southern educated, who migrated North, took the civil service exams, and got placed. But there wasn't any corresponding Hispanic equivalent.

Simply put, says Lilian Barna, superintendent in Albuquerque, "If the pool of teachers and lower level administrators isn't large enough, then you don't produce as many candidates for the superintendencies that are available."

The small number of Hispanic superintendents has also been tied to the relatively low levels of Hispanic political empowerment, especially where Hispanics constitute a small percentage of the voting population. School superintendencies have become highly politicized in recent years, so that appointments to this office reflect overall political realities in a community. In recent years, a new development is competing pressures between black and Hispanic constituencies to get a favored candidate elected, often resulting in bitter clashes. Recent examples of such competition are in New York City, San Francisco, and Denver. In the words of Anthony Alvarado:

> Because the superintendency is a political job that one gets through a political process and if one's community has less political clout, you'll have less of an opportunity of a Hispanic being selected for those positions. Even where you have a large Hispanic population, you have other groups that control the politics of those situations.

Another factor is a rather complex byproduct of affirmative action. When seeking a minority superintendent, there is a tendency to seek the "best" Hispanic or the "best" black in the country for a position, which further reduces the eligible pool. Similar standards are rarely applied when hiring white superintendents, says Jose Cardenas:

> They have a lot of white Anglos who are certainly not the best whites in the country. Why does it have to be the best Hispanic in the country to fill that one Hispanic position? The same thing is true in the selection of a superintendent. I feel there is an implementation of a double standard, with demands being made on a Hispanic candidate which far exceed the demands that have traditionally or are currently being made on white Anglo candidates.

Finally, there is the less quantifiable issue of discrimination in hiring. Most Hispanics are superintendents in school districts where Hispanics constitute a large proportion of the school population, and where there is a communitywide perception that it is "time" to hire a Hispanic superintendent. The fact that Hispanics have not been hired to any significant degree in districts where Hispanics are a small minority indicates that ethnicity is still a major obstacle in hiring. However, the recent appointments of Joe Coto in Oakland, where Hispanics comprise only 12 percent of school population, and George Garcia in Kansas City, where the comparable figure is 4 percent, are signs that ethnicity is becoming less of a factor in certain geographic areas, and hopefully are harbingers of more openness in hiring nationally.

In spite of difficulties in getting hired, and in carrying out reforms once in office, Hispanic superintendents in office have uniformly emerged as major leaders in their communities, and in initiating reforms of benefit to Hispanic and other minority students. It is likely that the number of Hispanic superintendents will increase simply as a result of demographics. Says Miami's Joe Fernandez:

> One of the things that is happening is that we're relatively new, it's a matter of time; at some point in time, by mere attrition, by mere numbers, we'll be like the Irish, the Italians, the Germans, like everyone else. Mere numbers are going to make the thing happen, not only in the school superintendency but in all areas.

Hispanic Superintendents: Three Case Studies

Hispanic superintendents face different challenges, depending on the size of the district, location, and a myriad of other variables. They also differ in the resources at their disposal to implement effective strategies. The following section highlights some of the challenges faced by three Hispanic superintendents.

Dade County, Florida

The Dade County school district is the Nation's fourth largest, with 236,127 students and a annual $1.2 billion budget. It is a massive, expanding enterprise. Each month, 300 to 400 new students enroll in the schools, half the size of an average new elementary school. Hispanics comprise 41.7 percent of the student enrollment, blacks 33 percent, and whites 24 percent. In July 1987, 55-year-old Joe Fernandez became the district's first Hispanic superintendent, after 27 years as a teacher, principal, and administrator in the district. Fernandez, of Puerto Rican descent, and born and raised in New York City, has had an impact in two major areas: affirmative action and "professionalization" of the teaching staff.

Fernandez' key innovation has been spearheading a "school based management" program which places the locus of control at the school site rather than with central administration. This approach has been called for in several national reports on educational reform, most notably that issued by the Task Force on Teaching as a Profession of the Carnegie Forum on Education and the Economy. Dade County is the first school district to implement it in a major way.

The approach is part of a large effort to "professionalize" teaching, which Fernandez sees as the key to attracting more minorities, and especially Hispanics, to the teaching profession. Until recently, teaching was one of the few professions readily open to minorities, but as other options have opened up for them, fewer minorities are choosing teaching as a career option—at the very time that minority enrollments in urban school districts are rising by leaps and bounds. In Dade

County, only 16 percent of teachers are Hispanic, and most are employed in the district's large bilingual program.

The goal of the school based management program is not only to attract teachers and improve their performance, but also to have an impact on reducing the dropout rate, which the district estimates is 34 percent for Hispanics, higher than the district's overall dropout rate of 29.5 percent. Says Fernandez, "We're doing the grand experiment in education. We've decided to empower teachers, and we're trying to tie the empowerment to student results. We're basically telling our teachers, Dream, the sky is the limit; tell us what you think you have to do to make things better for these children out there'."

One of the participating schools is Riviera Junior High School, which has 1,700 students. Overcrowded because of the recent Hispanic influx into the county, it has a 78 percent Hispanic enrollment. Last year, 13 teachers came up with a proposal to restructure the school, a plan which was approved by virtually all the teachers. Since its introduction in September 1987, principal Armando Sanchez' role has changed dramatically. Instead of being able to make decisions unilaterally, control of the school now rests in a newly formed council, which meets monthly. Sanchez is on the council, but the majority of its members are teacher representatives from the school's major academic departments. A secretary, a custodian, and a union steward also sit on the council.

One of the council's first actions was to change the teaching day from six hour-long periods to seven 50-minute periods. Teachers argued that 60-minute periods are too long to hold the attention of junior high students. And by adding an extra class, the school could offer more electives. The schedule change also gave teachers more time outside the classroom. They chose to spend the time—20 minutes a day—in a variety of nonteaching activities, labeled "professional duty," as a way to help teachers feel more involved in the total life of the school.

Some teachers counsel students. Spanish-speaking teachers call parents of Hispanic students who are cutting school. Others help monitor the hallways during recess or assist in the school store. Three teachers were designated "teacher assistants" and spend half their time outside the classroom.

As part of the plan, all teachers are required to volunteer in one of several committees which oversee aspects of the school environment, such as curriculum, school finances, and student services. The result, says Principal Sanchez, is that "there is better morale, because the teachers feel they have some control over the school's destiny."

It is too soon to tell how successful this approach will be in improving school performance, which is why for the moment only 44 out of Miami's 250 schools are participating in the program while results are monitored. Its outcome are being watched closely by school districts around the country.

On the affirmative action front, Fernandez has developed a Leadership Experience Opportunity (LEO) program, the goal of which is to bring minorities into top-level positions in the district. Only 11 percent of administrators are Hispanic; 24 percent are black. The goal of the program is to give minorities experience in top-level positions which will allow them to apply for similar jobs in open competition. For example, a minority assistant principal will become principal of a 6-week summer program. Minority principals are in turn given internship opportunities in the district's central office. Fernandez is also moving minority principals into nonminority schools. "Historically we have had black principals in black schools, Hispanic principals in predominantly Hispanic schools, and whites in white schools," says Fernandez. "I'm shaking that up totally."

Fernandez is promoting the Partnership in Education (PIE) program, which is designed to involve all sectors of the community in local schools. The program reflects Fernandez' view that all constituencies of the community—and not only the school—must take responsibility for education:

> I can't just deal with just the educational program, knowing that when those kids leave us, they go in substandard housing, or into areas which have a lot of crime, or where there are no human resources services. We have to approach this thing holistically. At Miami High, for example, you are trying to say that rather than just the schools doing it alone, you bring in the parents, you bring in housing, you bring in police. We deal with the kid in school, but beyond that we try to provide some work for them if need work, we provide child care services, if they need child care, we try to provide eye glass care. You have to look at the whole picture, you can't look at it piece by piece.

These programs are being introduced against the backdrop of a wide range of dropout prevention programs initiated over the past several years. In one program, 100 potential dropouts are identified at a number of schools, and a rebate of $50 per student is given to the school for each student who remains in school and demonstrates improvements on a variety of measures. The Recruitment into an Educational Program through Outreach (REPO) program tries to "reclaim" dropouts by working with the private sector to provide training and employment when students reenroll in school. The Student At Risk program provides intensive high-interest instruction to eighth or tenth grade students, along with close supervision and counseling.

While Fernandez says his task is to serve all students, he says his Hispanic background allows him to be especially sensitive to the needs of minority students. "I don't want to imply that someone [Anglo] won't make a difference for minorities too. But I do think that I have a sensitivity to the problems of Hispanics, being Puerto Rican, being raised on 125th and Amsterdam [in New York City]."

San Antonio, Texas

In the Edgewood Unified School District, on the poverty stricken western edge of San Antonio, Superintendent James Vasquez faces a different kind of problem: lack of an adequate financial base. Until recently, the district was the poorest of Texas' 1,063 school districts. Vasquez grew up in nearby neighborhoods and has spent his entire professional life in the district. He has been Edgewood's superintendent for 10 years.

Now, with the help of the Mexican American Legal Defense and Education Fund, he is engaged in a David versus Goliath struggle with the State of Texas over how schools should be financed. Edgewood is the lead plaintiff in challenging the way schools are funded. For Vasquez, that is the key structural obstacle to Hispanic achievement in his district, rather than lack of responsiveness on the part of the district to Hispanic concerns. In the *Edgewood v. Kirby* case, Edgewood won the first round when, in a strongly worded decision, Judge Harley Clark of the 250th District Court ruled in April 1987 that, under the Texas Constitution the State's system of school financing is unconstitutional. The ruling referred to the huge disparities in expenditures on students, from a low of just over $2,000 per student in one district to over $19,000 in another.

The Edgewood schools have a 94 percent Hispanic enrollment. Six out of seven board members are Hispanic, as are close to half of its teachers and principals. Almost all the top administrators are Hispanic. Yet, students still perform way below State averages. The poverty in the district is obvious even to a casual observer. Most residents live in tiny wood-frame houses with peeling paint. There is no industry to boost the tax base. As a result, Edgewood has a tax base of $38,854 in property wealth per student. Eighty-five percent of its 15,000 students qualify for free or subsidized school lunches. Just minutes away, the Alamo Independent School District, also within San Antonio's city limits, has a tax base of $570,109 in property wealth per student. In spite of these disparities, Edgewood has developed a reputation for innovation. The district introduced a wide range of reforms long before the State mandated similar reforms, such as a "no pass, no play" rule in athletic programs, remedial summer school, standardized exams—each providing students with practice on standardized tests—and requiring 4 years of English for graduation.

A 1983 State accreditation team concluded that a "prospective visitor to the district . . . would hold no hope of finding any acceptable quality in the instructional programs. In point of fact, the monitoring team found conditions that ranged from good through excellent to exemplary. It can be said with confidence that nowhere in the state is a school district achieving such high degrees of excellence in its operation, given the handicaps under which all concerned are operating."

In spite of these efforts, Hispanic educators express extreme frustration about their inability to raise test scores. "Students still scrape the bottom on State tests," says Pete Escamilla, who recently resigned after 10 years on the Edgewood Board of Education. "You get frustrated with the idea that we do so much that is innovative but come testing time you get hit right between the eyes."

The answer to Superintendent Vasquez is simple: more money to provide better programs for poor students who have greater needs than wealthy Anglo students. Says Norma Cantu, a MALDEF attorney, "You can have excellent leadership, but if the leadership doesn't have any of the resources to carry out its educational mission, that district will never reach its full potential." That is a view shared by Vasquez:

> We're not a minority in the sense that our kids don't get lost in the cracks because the administration doesn't give a damn about them. The problem is that we don't have a tax base to get us into a competitive stance. If I want to get the best science and math teachers, I can't compete out there. I can't give them the perks other school districts can give. So I have to take what's left over for the most part.

Oakland, California

Compared to Edgewood, where the entire school system is oriented towards meeting the needs of Hispanic students, Oakland's Hispanic student population comprises only 12 percent of the student enrollment. There are no Hispanics on the school board in a district where blacks are the dominant minority. Poverty is also a pervasive factor here. Forty-three percent of students come from families on public assistance. Joe Coto has pushed the notion of raised expectations for minorities, including Hispanics, to the limit. While most educators insist on the need for all students to get a high school diploma, Coto argues that a high school diploma should not be the end goal, but only a first step. All students, Coto argues, must be encouraged to set their sights on going to college. He has set up what he calls a Promise program—the promise being that financial need will not be a barrier for any Hispanic student who wants to go to college. This year, the financially strapped Oakland school board set aside $500,000 in a trust fund which will be used to pay college costs that students are unable to cover through regular scholarship or financial aid packages. Seventh, eighth, and ninth graders sign pledges in which they agree to "complete all courses required for college admission, maintain the minimum grade point average required for college admission, take all tests required for college admission," and to participate in district-sponsored college preparation programs. The pledge is also signed by the student's parents, the superintendent, and the presidents of all the major colleges in the area.

The Promise programs is not restricted to minorities, but that clearly is the target group. It will be an uphill struggle. In 1986–87, only 17, or 11 percent, of Hispanics in the senior class went on to a 4-year college. Among blacks, the comparable figure was 10 percent. Says Coto:

> What we are really trying to do with our promise program is to effect major institutional change. It's an effort at getting counselors, teachers, parents, the business community, the school board, the superintendent, everyone saying to the students, "a high school education is not enough, the world is changing too dramatically, the only way you are going to survive effectively is by going to college."

In addition to the Promise program, Coto has initiated a High Intensity Program in the elementary grades, in which there is a 1:15 teacher pupil ratio, targeting students at risk of dropping out. These classes will serve primarily black students, who make up the majority of students in the district, but Hispanic students will also benefit where appropriate. Coto believes that his Hispanic background has made a difference, but not in easily quantifiable ways. When he visits classrooms, for example, he is able to talk to Hispanic students in Spanish. Coto's task is additionally difficult because there are no Hispanics on the school board, and he is in the position of having to be the major advocate on behalf of Hispanic students:

> Even though black and white board members have sensitivity to bilingual education, I bring a stronger sense of what needs to be done for Hispanic children, and a stronger sensitivity to the needs of

Hispanic children. The stronger I get, the greater visibility I get, the more I talk to students, to parents, it all has to help. It translates to other ethnic groups too. Other Hispanics are going to say, "yeah, right on, mira, el señor Coto, he says you can go to college." They are going to believe me more strongly than if it was someone else who they could not visibly see is from the same roots.

Role of Hispanic School Board Members

Coto's task of advocating for Hispanics without Hispanic representation on his school board underscores the importance of Hispanic school board membership in the overall equation of educational leadership. Clearly, the role of the Hispanic school board member is a key element. But several questions arise. How effective can a Hispanic school board member be in the absence of a Hispanic superintendent, or at the very least if Hispanics are not represented significantly in high-level administrative positions? How effective can a lone Hispanic school board member be on a board dominated by Anglos or other ethnic groups? Is a Hispanic board member more constrained when he or she is elected city wide, and must represent a wide range of constituencies, than when he or she is elected from a predominantly Hispanic district?

None of these questions has to date been examined in any detail, and answers to them must be based on the experience of school board members in specific districts. What is clear is that even in the absence of a Hispanic superintendent or other high-level Hispanic leadership, it is critically important to have Hispanic board members who can act as advocates on behalf of programs benefiting Hispanics. Unavoidably, several issues of key importance to Hispanic school board officials, such as bilingual education, affirmative action, and minority set-asides in construction projects and contracts, are all politically controversial, and strong political representation will facilitate easier passage of initiatives in these areas, and make it easier for the superintendent to implement them. School board members can also provide the impetus for hiring a Hispanic superintendent.

In Hartford, for example, Maria Sanchez is the only Hispanic member of the Hartford Board of Education. On the board for 15 years, she played a key role in the selection and appointment of Hernan LaFontaine as Hartford's first Hispanic superintendent—and the first Puerto Rican superintendent in the United States. Sanchez, who is sometimes dubbed the "godmother" of Puerto Rican politics in Hartford, has a strong base in Hartford's Hispanic community from the newsstand she has run for almost 20 years just two blocks from the district's administration building.

In Miami, two out of seven school board members are Hispanic. Paul Cejas was the leading votegetter when he was first elected to the board in 1980 with 247,000 votes. Rosa Castro-Feinberg was appointed by former Governor Bob Graham in 1986, becoming the first woman Hispanic on the board. Cejas has played a key role in promoting affirmative action and minority contracts, as well as becoming a major spokesperson on behalf of dropouts. The recent appointment of Superintendent Fernandez points to the effectiveness of having a strong Hispanic superintendent working closely with outspoken Hispanic representatives on the school board. Says Fernandez, "If you don't have a board member who makes affirmative action a main goal for the board, and pushes on a policy level, the board is not going to move in that area." Cejas says that until Fernandez was appointed "there was basically white Anglo Saxon male dominance at all ranks." As for the previous Anglo superintendent, Cejas says, "he talked a big show, but where we had our major disagreements was in minority contracts and in affirmative action. He said he was sensitive [to Hispanics] but he didn't do enough."

In San Antonio's Edgewood School District, six out of seven school board members are Hispanics, and their experiences dramatize what can be done with majority representation on the board. In 1976 a political action committee called CARE (Committee for an Alternative and Relevant Education) was put forward to run candidates, and eventually its candidates took control of the board. Mostly in their twenties and early thirties, the board has been a central player in evolving strategies for Hispanic children who make up the majority of the school district. Here they do not feel pressured to automatically rubber stamp proposals put forward by their Superintendent Vasquez, and Hispanic representation on the board is not an issue. Board members have staked out an independent position, and some question Vasquez' argument that unequal school financing is the key to Hispanic success or failure. All share the view that setting high standards for Hispanics is an essential element in ensuring educational progress. One senses that a healthy and vigorous debate is going on in Edgewood about what will really make a difference for Hispanic students, a debate free of the political constraints imposed by the lack of adequate Hispanic representation on those boards.

The impact of underrepresentation of Hispanics was dramatically illustrated recently in Los Angeles where only one Hispanic, Leticia Quezada, sits on the seven-member school board. Deputy Superintendent William Anton, a Hispanic who enrolled in predominantly Hispanic eastside schools in the first grade, and had risen through the ranks over a 37-year career in the schools, was a leading candidate for the superintendent's post. The last time the school board had hired an outsider for the superintendent's post was in 1948. But in spite of tremendous support for Anton from Hispanic parent groups and organizations, the board hired Leonard Britton, the Anglo superintendent in Miami. Its decision was widely regarded as an affront to the Hispanic community.

Ironically, those school districts which have high Hispanic representation on their boards are likely to be in areas where Hispanics are heavily concentrated, and are therefore likely to be poor districts. Even though Hispanic board members may be adequately represented and be committed to implementing effective programs, the resources will probably not be available. Conversely, in higher wealth school districts, which tend to have higher Anglo enrollments, there are likely to be fewer if any Hispanics on the school board. Thus, a lone Hispanic school board member may not have the political clout to spearhead significant programs or reforms, even though the resources may be available to do so. Yet, if he or she can strike the right kinds of allegiances, he or she might be able to convince non-Hispanic board members to free up the necessary resources to target Hispanic students.

The challenge is not only to increase resources in poor heavily Hispanic districts but to increase representation on school boards in areas where Hispanics are not in the majority. Says Jose Cardenas, "When a school district is 97 percent Hispanic, then it is no great political accomplishment to elect an Hispanic board member. In fact, you have to turn over rocks to find someone who wasn't Hispanic to run for the school board."

But increasing Hispanic representation is tied to the large problem of the large number of Hispanics who are not eligible to vote because they are not citizens. According to the census, 52 percent of Hispanics who did not vote did not do so because they were not citizens, compared to 8 percent of Anglos and 8 percent of blacks. This is a particularly acute problem among the large number of Hispanic parents who have children at the elementary grades—a population which is likely to contain a high proportion of recent immigrants, and also to have a direct interest in the schools. They are effectively disenfranchised from political representation on school boards.

In spite of the obstacles, obvious opportunities exist. Running for school board seats usually requires less money than other political offices. A parent is helped by the fact that simply being a parent is a qualification for running. Thus, the opportunities for Hispanic parents to run for school boards are significant and virtually untapped, especially in the 40 or more

States that have almost no Hispanic representation in this arena.

Involvement of Hispanic Organizations

A key to the furthering of an Hispanic educational agenda is the involvement of Hispanic organizations in the schools. In general, there has been a high degree of involvement of these organizations, both at a local and national level, reflecting the level of concern about education in Hispanic communities. This has occurred in spite of an inherent tendency by schools to resist intervention from outside organizations. Say Jose Cardenas, "Education has been a closed enterprise which has never encouraged participation by blacks or whites or anybody, and that there had not been an extensive amount of any types of community involvement in the schools." Nonetheless, Cardenas says, "Hispanic organizations have placed a very high value on education, and up to the present time they have been one of the instigators for reform."

Nationally, few organizations have been as instrumental in the reform process as MALDEF, which has played a major role in filing lawsuits on behalf of bilingual education programs, and in challenging discriminatory admissions practices and systems of financing schools. Its major educational target is now in Texas, where it is representing the Edgewood School District and some 60 others in the landmark *Edgewood v. Kirby* case referred to previously. In addition, MALDEF along with the League of United Latin American Citizens (LULAC), and G.I. Forum are the lead plaintiffs in a suit filed in December 1987 that alleges that the State has failed to adequately recruit and admit Hispanics to public universities, and to offer programs, especially at graduate and professional schools, in areas where Hispanics are concentrated. The suit is attempting to address the fact that while Hispanics make up 24 percent of high school graduates, only 12 percent of college freshman at traditionally white colleges are Hispanics.[18]

Other national efforts include the Southwest Voter Registration Project's challenges to district-wide school board elections, and participation in school board elections in the Southwest. LULAC has developed a High School Drop Out Prevention Program, and is compiling a compendium of model high school dropout programs which will be issued in 1988.

But the most comprehensive educational involvement of any national Hispanic organization is the Innovative Education

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[18] *New York Times*, Dec. 4, 1987.

Project of the Washington D.C.-based National Council on La Raza. The project has developed five innovative community-based approaches for improving the educational status of Hispanics, and they are being implemented in several communities, including Kansas City, Rochester, Houston, and Chicago. A key aspect is that the programs are run by community-based organizations outside the public schools. What is impressive about the project is that it is based on a carefully thought-out and remarkably detailed strategy for tackling key points in the educational system where Hispanics are most vulnerable. It involves parents, teachers, students, and educators, and provides a blueprint for community-based efforts for Hispanic education nationwide.[19]

The project consists of five programs: Academias del Pueblo, Project Success, Project Second Chance, Parents as Partners, and a Teachers Support Network. The Academia del Pueblo, being run by the Guadelupe Center in Kansas City, is a community-based after-school and summer program to help elementary school children meet or exceed grade promotion requirements. It is intended to cope with the 10 percent of Hispanic children aged 8–13 and 25 percent of those aged 14–20 who are more than 2 years below grade level.[20] The program concentrates on strengthening English-language skills, but also includes a Spanish-language component. The program is designed to create a "three way partnership" between the Academia, parents, and the local schools. Parents are integrally involved, signing a cooperative learning plan in which they agree to establish household rules about homework, review homework daily, read to the child for a certain number of minutes a week, and attend parent training seminars or meetings.

Project Success, currently being implemented by the Rochester public schools and in Chicago by the nonprofit El Hogar del Niño, is an after-school and summer program for at-risk junior high school students. It begins by targeting fourth and fifth graders. Students are assigned counselors who work with students and parents, as well as their regular teachers and counselors, to assist them in identifying weaknesses, and developing short and long-range academic plans. The focus is not only on remedial assistance in one or more subject areas, but also on helping students "learn how to learn."

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[19] Orum, Lori, and Arturo Vargas, Innovative Education Project: Preliminary Report, National Council on La Raza, Washington, D.C., undated.

[20] Ibid., p. 2.

Project Second Chance, recently begun in Houston by the Association for the Advancement of Mexican Americans, is designed to provide Hispanic dropouts with a "second chance" to resume their education. It provides students with counseling, academic, and English-language skills they will need to get a General Educational Development (GED) certification or a high school diploma in a traditional or alternative setting. It also provides for internship opportunities to help students make informed decisions about their careers.

Parents as Partners, currently operating in Kansas City, is designed to actively involve parents in the education of their children by providing them with information about the schools and "improved skills in effective parenting."[21] Projects are staffed by a bilingual program coordinator. A Community Advisory Committee engages in a wide range of activities, including organizing a parent community "volunteer bank" as a resource for classroom teachers and providing assistance in translating material or information into Spanish. The purpose of the Teacher Support Network, now underway in Chicago, is to increase the effectiveness of public school teachers working with Hispanic children, including non-Hispanic monolingual teachers, and Hispanic and bilingual teachers.

Other than programs and initiatives sponsored by national organizations, there is a plethora of local efforts that go largely unreported. In San Antonio, for example, Hispanic journalists sponsor writing contests for aspiring student journalists. The San Antonio Area Association for Minorities in Engineering tries to interest students in taking advanced math courses, and the Hispanic Lawyers Association is providing scholarship and guidance for students wanting to go to law school. In Hartford, members of the Hispanic Chamber of Commerce visit schools to encourage students to stay in school and have launched an advertising campaign with that goal. In Albuquerque, the Las Padillas Community Organization provides scholarships to students in one of the poorest areas in the city's heavily Hispanic Southside. G.I. Forum and LULAC have also donated substantial amounts of money for scholarships. In Miami, the Cuban American National Council runs the Little Miami Institute, a private school for potential dropouts on the second floor of a small shopping center in the heart of Miami's Little Havana district. The school serves students from a variety of Hispanic backgrounds, including Cubans and Nicaraguans. In San Francisco, the Real Alternative Program (RAP), a 20-year-old nonprofit Latino organization, runs La Escuela, an alternative school for 50 "at-risk" students that is operated out of four portable bungalows in the city's Mission District.

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[21] Ibid., p. 7.

All these efforts do not conform to the stereotype that Hispanics are not involved in the schools. Instead, they point to a new partnership between schools, parents, and Hispanic organizations nationally—a partnership that may be a key element in advancing the educational fortunes of Hispanic children.

The Future: Policy Implications

The preceding discussion points in several important policy directions. Just as there have been concerted attempts to develop a Hispanic political leadership, such as MALDEF's leadership program, a coordinated campaign to develop an educational leadership needs to be undertaken as well. Unless major advances can be made on the educational front, political gains will also be limited. What is clear is that any serious effort to tackle the crisis in Hispanic education must take a four-pronged approach:

1. Hispanic leadership should be expanded at all levels of education, from superintendencies to top- and middle-level administrators and teaching staff;
2. Hispanic school board membership needs to be increased as a way to ensure that attention is focused on the particular needs of Hispanic students, and to provide Hispanic educators with the necessary political support to implement programs benefiting Hispanic students;
3. Hispanic organizations and parent groups need to become extensively involved in the educational process, and be encouraged to establish educational programs inside the schools as well as in the community;
4. Obvious inequities in school financing between high-wealth districts and low-wealth districts, where Hispanics are heavily concentrated, need to be eliminated.

Each of these elements will require far-reaching strategies to ensure their success. In order to develop Hispanic educational leadership at the highest levels, the number of Hispanic teachers will have to be increased beyond their current levels. This will require aggressive recruiting efforts by schools of education. In addition, national efforts to increase teacher salaries and generally to "professionalize" the teaching profession, along the lines of the Miami "school based management" program, will have to be supported. To increase school board representation, a concerted effort will have to be made to encourage local activists and parents to run for school boards in greater numbers. Where necessary, at-large elections will have to be challenged and replaced with single-member district elections, along the lines of numerous such efforts by the Southwest Voter Registration Project. Special efforts will have to be made outside California and the Southwest, where only a handful of Hispanics have been elected to school boards. Regarding involvement of Hispanic organizations and parent groups, program initiatives currently being sponsored by those organizations and local groups need to be studied as to their effectiveness, and expanded to other school districts. This will require the development of a vigorous partnership between school districts, which are providing leadership in Hispanic education, and Hispanic organizations. Finally, to reduce funding inequities, legislation will have to be enacted in those States that have not passed school financing legislation along the lines of those mandated by California's landmark 1977 *Serrano v. Priest* ruling. Hispanic legislators will have to assume a major responsibility in this effort. Where legislation cannot be passed, lawsuits along the lines of *Edgewood v. Kirby* in Texas will have to be filed.

Efforts like these will help clarify a major theoretical question as to what interventions are likely to have the most impact on educational achievement. Will changing the structure of the classroom be sufficient? Will it require changing teaching styles? How important is the role of the principal? To what extent does the home environment shape educational performance? What influence does racial and ethnic discrimination have in the educational equation?

While leading Hispanic educators mostly insist that all these aspects have an impact on educational outcomes, they have a consistent belief that the most important determinant is what happens within the school environment itself, and that schools must take responsibility for the success or failure of Hispanic children. Within the schools, they say that raising expectations for Hispanic students will have the greatest impact, as graphically demonstrated by Jaime Escalante, the math instructor at Garfield High School in Los Angeles who was featured in the movie "Stand And Deliver."

On the surface, "raising expectations" sounds relatively straightforward. Yet, it will be a formidable task. Entrenched institutional attitudes will have to be changed. Teachers and counselors, both Hispanic and non-Hispanic, will have to be sensitized to the needs of Hispanic children. Support programs will have to be installed to ensure that students do not fall through the cracks.

All in all, this is a major public policy challenge that cannot be left to educators alone. Hispanics have an important role to play in sensitizing the larger society to the particular needs of Hispanic students and how they are similar or different from other minority students. But the educational success or failure of Hispanic children has profound implications for the futures of Hispanics in the United States, and in that sense, it is a society-wide responsibility that extends far beyond just the schools, and beyond the Hispanic community itself.

Changing Demographics in Higher Education: The Case of Black Americans

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Introduction

The participants in this conference have been asked to focus on the impact of the changing American demographics and the implications of these changes for civil rights. I will review the changing demographics in higher education with a focus on the case of black Americans. This review will concentrate on the changes in black American human resource distribution in higher education. As we approach the 21st century, one must ask whether black Americans have benefited from the opportunities that a college education can provide. Will black Americans be among the professionals of the next century? Will they be represented among the educators of that coming age? Additionally, one must ask at what rate have and will black Americans fill these occupational positions? Access to higher education at the end of the 1980s and in the 1990s is the key to increased participation in the year 2000 and beyond.

I will review the current trends for black participation in higher education at several different levels. First, I will review the trends for black American participation on the faculties of colleges and universities. Then I will present enrollment and graduation trends in graduate and undergraduate institutions. At each level, there will be a discussion of some of the factors contributing to the problem of recruitment and retention of blacks within the specific area of higher education. Finally, suggestions will be made on how to increase and maintain black American participation.

Higher Education and Black Educators

In an American Council of Education study for 1978 (American Council of Education, 1984), of an estimated college teaching force of 170,000, the Council's Office of Minority Concerns estimates that there are only 18,000 black faculty represented on all types of college and university campuses today (Collison, 1987). It should be noted, however, that there were over 19,000 black college faculty members in 1977. Thus, there has been a decrease during a time when an increase might have been expected. These blacck faculty members are typically concentrated on the campuses of historically black colleges and universities (HBCUs), at 2-year colleges, in the lower academic ranks, and in the disciplines of the social sciences, humanities, and education, rather than in the sciences (McMillen, 1987).

Universities and colleges have been found to be lagging in the hiring of blacks for faculty positions. For example, in a study of 14 predominantly white colleges and universities (PWCUs), the University of California's 9 campuses were highlighted for having the highest level of tenured minority faculty in the surveyed group. The rate for all minorities was 4.4 percent in 1986 (McMillen, 1987). More often than not, the figure for minority tenured faculty hovers around the 2.7 percent mark in schools where the minority student population is between 10 and 49 percent of the total student enrollment (Richardson, et al. 1987).

What are the causes of this lack of growth and perhaps even retrenchment in the number of black faculty in higher education? Several factors are involved.

In general, when there is a faculty vacancy, there has been a failure to include black Americans in the applicant pool. Department chairs and chief academic officers try to use their personal networks to increase the number of blacks among the applicants for a position. In fact, this is an inadequate response to the problem. Almost every national professional organization has a black and/or minority caucus or committee officially recognized within its organizational structure. Furthermore, in many professions there are parallel black and/or minority professional organizations. The groups maintain directories of minority professionals and, in some cases, directories of minority graduate students. Contacting one these groups would greatly increase the probability of obtaining black applicants in contrast to reliance on the white "old boy" network.

Assume that a limited number of black professionals is included in the applicant pool. Another problem emerges which tends to decrease the likelihood that the applicant will be hired. Minority candidates are more likely to have research interests that are related to minority issues. This fact is supported by an investigation of black sociologists which found that the majority of black doctoral recipients in this field did race-related dissertations and listed race and ethnic relations among the first choices of specialization (Conyers, 1986).

Members of faculty review committees are frequently uninterested in and ignorant of the research concerns of black applicants. Therefore, the lack of apparent congruence between the research interests of the black applicants and those of the nonblack faculty members makes it less likely that these individuals will be selected. This is especially true when it is possible to select nonblack individuals who have similar interests to those of the existing faculty members.

Finally, assume that a black faculty member has been hired, what are the prospects that this individual will become a permanent member of the faculty? That is, have black faculty been successful in the tenure race? From the moment that a black faculty member accepts a position at a PWCU, he or she has a different job description than a comparable white professor. First, as a black faculty member, the professor is expected to participate on every administrative committee that might have some likelihood of confronting or dealing with minority issues. This administrative burden could be shared among minority faculty, but the majority of minority faculty are alone within a specific department or program. Thus, the junior faculty member has an increased administrative load.

Second, it is expected that the black professor will serve as the mentor to all black and, in some instances, to all minority students. This results in an overload of student counseling and advisement responsibilities. The minority mentorship is generally in addition to the required load of student advisement that all faculty must fulfill. Tenure decisions do not value or even evaluate this level of service to the college. Tenure decisions are made on research production and publication and, to a much lesser extent, on teaching. The time-consuming administrative and advisement tasks subtract time from research activities.

Lack of recruitment of black applicants, incongruence between minority and nonminority research interests, and the increased burden of extra administrative and student advisement responsibilities are a few reasons why there has not been sustained growth of black Americans in the ranks of faculty in higher education over the last 20 years.

The picture for black educators in public education is no better. There are over 15,000 superintendents of schools in the Nation. Yet, in the 1980s only 112 of these districts were headed by blacks (Cooper, 1988).

The situation is even worse for black teachers. The minority population of the Nation is growing at a rate such that one of every three Americans will be a person of color by the year

2000 (Feistrirzer, 1985; Migra, 1986). Consequently, the minority student population will grow from 27 percent of the total student population in 1980 to an estimated 40 percent nationwide in 2000. Yet, during the same time period, it is estimated that the number of teacher educators will continue to decline (NCES, 1985).

In 1970 black professionals comprised 12 percent of the teaching personnel at the elementary and secondary levels. Today, black teachers constitute only 8 percent of that pool, and by 2000 it is predicted that they will be a mere 5 percent of that group (Goetz & Pitcher, 1985). The new wave of educational reforms, among which is the pressure to increase academic standards for the teaching profession through the use of teacher competency testing, has been shown to hit hardest on black professionals (Baratz, 1986; Rodman, 1986).

At the same time, the number of black Americans choosing teaching as a career has declined significantly. For example, only 1 percent of top-scoring black high school graduates listed education as their major (Baratz, 1986). This decreased interest in education as a major may be due to several factors. One, the profession may be perceived to be hostile as the emphasis on the testing and competency of teachers is highlighted. Second, while education has traditionally been a career for females, black females now have more occupational choices than was true in prior years. Therefore, the traditional labor pool for minority teachers, black females, now can select from among diverse opportunities for graduate and professional study outside of the education field. Finally, there are higher financial incentives and opportunities for advancement in other career choices.

This information is particularly disturbing when one realizes that by 1992 there will be "anywhere from 400,000 to 900,000 [teaching] vacancies to be filled . . . ." (Darling-Hammond, 1987).

It is impossible to increase the number of black educators either in college and university settings or in the public school system without knowing about the number of blacks engaged in graduate and/or professional study. The factors that attract or repel these students have long-term and far-reaching impact in our society.

Post-Graduate Enrollment Trends

Graduate Enrollments

From 1976 and 1984, enrollment of blacks in graduate schools shrank from a high of 65,000 to slightly less than 51,000, a 22 percent loss (USDE, 1976, 1980, 1984). The majority of these students were enrolled in master's degree programs.

Among matriculants of doctoral programs, 684 doctorates were awarded to blacks in 1977, but by 1986 this number had dropped to a mere 329. The majority of these doctoral degrees were awarded in education, 163 in the social sciences, 14 in engineering, and 25 in the physical sciences (National Research Council, 1986). Not only were there differences by discipline, but there were gender differences among the doctoral recipients. While black females received only 440 degrees in 1976, their numbers had increased by 15 percent to 500 in 1986 (National Research Council, 1986).

These general trends are confirmed in a study of five southern colleges and universities eligible for Title VI funds (Trent & Copeland, 1988). In spite of the designation and use of Title VI money to increase black matriculants in graduate schools, from 1976 to 1992, there was a decrease in the level of doctoral degree attainment by black Americans in these five States. Despite the almost exclusive restriction of the Title VI funding to support to first-year students, these same States even failed to increase first-time black graduate student enrollment during the period (Trent & Copeland, 1988). It, therefore, must be concluded that simple funding plans for graduate study are insufficient to increase black participation in graduate education and the subsequent doctoral degree attainment.

Are there differences in the success rate of institutions awarding Ph.D.s? First, 60 percent of doctorates awarded to blacks are concentrated in a meager 10 percent of all eligible institutions. This low percentage of institutional participants in the production of black doctorates includes the HBCU of Howard University (Trent & Copeland, 1988). By implication there are institutions that are not currently graduating black Ph.D.s and some which have yet to graduate their first black Ph.D., not to mention programs that have never enrolled a black matriculant.

Given this data, it is predicted that by the 1990s when large numbers of college faculty will retire out of the higher education system, there will be consistent shortages of eligible black faculty because of the dearth of blacks in graduate programs. There is little in these trends to suggest that the percentage of black college faculty will rise above the 2 percent level by the year 2000.

Professional School Enrollments

Has the diminution of black matriculants in graduate programs been in response to increased opportunities in enrollments in professional schools, like law, medicine, pharmacy, or veterinary medicine? The answer must be a qualified yes. Professional schools increased their ethnic group enrollment significantly from 1976 to 1980 (Allen, 1987). Black enrollments in professional schools were 16 percent higher in 1984 than they were in 1976.

This dramatic increase did not occur in an even fashion across the period, however. Between 1976 and 1980, black enrollment increased 14 percent, but in the period from 1981 to 1984, the increase was a mere 2 percent (USDE, 1976, 1980, 1984).. The most popular field of professional study for black Americans was law, with an average enrollment of 5,500 students during the period of 1976-84. This number represented roughly 5 percent of all law students. Medicine, however, was the professional school in which black graduate students were somewhat better represented, since they were 6 percent of all medical students (USDE, 1976, 1980, 1984).

In conclusion, fewer blacks enrolled in graduate programs during the past 12 years, and accordingly, fewer received Ph.D.s. The only positive trends in postgraduate participation rates were the increase in black professional school enrollment for the 1976-1980 period and the increasing proportion of black females among doctoral recipients.

Case Studies: Psychology and Sociology

Are these overall trends in graduate enrollment masking specific success stories within specific disciplines or areas of study? The cases of psychology and sociology will be reviewed.

Psychology

Like most disciplines in the social sciences, psychologists have been concerned about the limited minority group representation in the field, either in academia, research or practice. In a 1983 census of personnel in the field, Stapp and colleagues (1983) found that 100,000 individuals could be labelled as psychological personnel. Sixty-seven percent had Ph.D.s and 28 percent had completed degrees at the master's level. The majority of this psychological personnel had studied either clinical counseling or school psychology. Of those persons holding doctoral degrees, only 2 percent were black (Pearson, 1988). When the 1984 data for new Ph.D.s in psychology is reviewed, 4.2 percent of new Ph.D. recipients were black compared to a mere 2.6 percent of new doctorates conferred in the fields of science and engineering.

These low participation rates for blacks at the graduate level in psychology should be viewed as somewhat curious when compared to an increase in the number of black collegians majoring in psychology. Black undergraduates majoring in psychology represent 7 percent of all undergraduate psychology majors. While there has been an increase on the undergraduate level, there has not been a corresponding growth in the number of black Americans pursuing graduate study in psychology. Clearly, not all blacks in the pool of prospective graduate students were being attracted to the profession.

When one reviews the areas of specialization of black Ph.D.s in psychology, academic and research-oriented careers were pursued by only 2.4 percent of black doctoral recipients between 1976 and 1981. Ph.D.s in clinical psychology doubled and Ph.D.s in counseling psychology quadrupled during the period 1975–1984 (NRC, 1986; NSF, 1983). This trend toward increased black presence among the mental health services sector is likely to continue as the latest survey of graduate departments of psychology indicates that 70 percent of black graduate students are currently enrolled in practice rather than academic/research programs.

In summary, there has been some success in psychology. Black undergraduates are on the increase. Black psychologists with doctoral degrees are more likely to be found than are blacks with Ph.D.s in science and engineering. Black psychologists involved in service delivery are more likely than are black academicians and researchers in psychology. Some partial solutions have been provided, but recruitment and retention of blacks in psychology have not been solved.

Sociology

From 1967 to 1980 there was a nearly 200 percent increase in the number of doctorates awarded to blacks in the field of sociology. In 1967 there were 121 black Ph.D.s in sociology compared to 362 in 1980 (Conyers, 1986). The majority of the doctorates awarded to blacks in 1980 were concentrated in seven institutions (University of Chicago—28; Ohio State—21; Northwestern—16; Washington State—16; California—12; University of Michigan—11; Michigan State, 10). Of the 119 institutions awarding degrees in sociology, the majority had not awarded a doctoral degree to a black American by 1980.

While only 14 black women received Ph.D.s in sociology in 1967, 103 did so in 1980. Black female sociologists now represent 28 percent of all black sociologists and nearly 4 percent of all female sociologists. The early black recipients of Ph.D.s in sociology had been trained in historically black colleges and universities, but by 1980, 52 percent had completed their undergraduate work at predominantly white colleges and universities (Conyers, 1987).

Like psychology, sociology has seen an increase in black participation in postgraduate study. Yet, the commitment to training black sociologists appears to have been limited to only a few institutions.

What is needed to increase black graduate and professional school enrollments? The primary factor may be the lack of financial aid for graduate education. When financial aid is available, it may be for dissertation research only, or it may be for a 1-year fellowship. This type of financing is insufficient for many black college graduates to choose graduate study as their next step. It is more difficult for these students who are more likely to be from limited economic means to commit themselves to a 5- or 6-year course of study without a precise method for financing their graduate education. The prospect of loan financing may be limiting to prospective black graduate students, since many of them may have supported their undergraduate education through student loans.

Once again, the lack of recruitment is a factor in low enrollments. Traditionally, graduate programs have not recruited students. The intellectual and research attributes of the faculty were seen as sufficient to attract students to seek admission in graduate programs. However, this system may not be an efficient or effective way of drawing black and other minority college graduates to the numerous graduate programs around the country.

Finally, limited numbers of black faculty members may be perceived as a signal by prospective black graduate students indicating that there is a lack of interest in and commitment to the research and theoretical concerns most relevant to them. The dearth of black role models may interrupt the orderly progression through the different phases of higher education.

At the graduate level, lack of financial aid along with few recruitment activities and the relative absence of black faculty mentors result in fewer and fewer blacks pursuing postbaccalaureate degrees.

Undergraduate Black Education

From 1966 to 1976, there were dramatic changes in black Americans' access to higher education on the undergraduate level. The proportion of black college students increased from 4.6 percent to 10 percent of the college population. During that 10-year period, the actual number of black collegians increased 275 percent (Preer, 1987). Given this historic transformation, predictions were made that black undergraduate enrollment would equal the ratio of black Americans in the

U.S. population by 1980 (Crossland, 1971). Unfortunately, reality did not match such optimistic prognostications. Between 1976 and 1987, there was a mere 40,000 student increase in black undergraduate enrollment. This figure represented a loss of almost 4 percent. In reality between 1980 and 1984, there was a decrease in black enrollment of 10.8 percent (USDE, 1976, 1980, 1984). That is, black Americans now represented only 8.8 percent of the college population, down from a high of 10.7 percent in the late seventies (Nettles, 1988).

One can find similar trends when examining the number of baccalaureate degree recipients during the same period. In 1978-79, 22 percent of the 1,600 baccalaureate institutions in the country awarded 82 percent of the bachelor's degrees awarded to black Americans. The majority of these 362 institutions awarded fewer than 50 degrees to black students in that year. The colleges and universities that awarded college degrees to black students were predominantly urban (74 percent), public (76 percent) institutions (Richardson, et al., 1987). Proportionally, private schools (25 percent of the total) awarded twice as many degrees to blacks as did public institutions. Thirty-four percent of all black undergraduate degrees and 40 percent of the degrees awarded in agriculture, biology, computer sciences, mathematics, physical sciences, and social sciences were awarded by historically black colleges and universities (CEEB, 1985) despite a probational decrease in black enrollment in these institutions from 50 percent in 1970 to 27 percent of black undergraduates in 1980.

Looking more closely at the characteristics of black collegians, it is clear that black males have not been pursuing college education as often as have black females. Between 1976 and 1981, the percentage of college degrees awarded to black men fell 4 percent.

After a watershed year in 1976, black college enrollment has declined in spite of an increase of 29 percent more black high school graduates. Something must be done to attract black high school graduates, both male and female, to college.

The problems of decreased black participation in undergraduate education can be traced to poor recruitment efforts and inadequate retention activities. In addition, there is the increasing problem of poor secondary school preparation, making black high school graduates less likely to be prepared for the rigors of a college education.

There have been many successful minority recruitment efforts around the country. In these model cases, the first step involves early identification programs and collaboration projects between local high schools and the colleges and universities. These programs can start as early as in elementary school, but definitely must be engaged early in the high school career, if the prospective black students are to be properly prepared for college. These early identification programs can be combined with speakers' bureaus in which black undergraduates visit the local high school to speak to the students. This can initiate the recruitment relationship.

Precollege enrichment programs also have been very effective. Prospective black high school students can be invited to campus during the summer or during semester breaks to familiarize them with the wealth of resources, both human and material, that the college or university has to offer. These visits introduce the secondary students to potential mentoring experiences, to early career counseling and to general academic enrichment events.

Additionally, it is important for colleges and universities to provide black and other economically disadvantaged students with financial aid counseling. The anxiety over financial problems can detract from academic success and may prevent some students from even initiating the process.

Finally, coaching for test taking could be a recruitment device. While many middle-class and upper middle-class high school students routinely pay large fees for coaching in test taking, minority students are unable to avail themselves of such services. While black students' SAT and ACT scores have increased, these students could benefit from similar coaching sessions. Both the human and material resources are available on college campuses to provide prospective black students with improved test-taking skills. In general, this service is not provided to minority students.

In addition to a lack of effective recruitment, there is evidence to suggest that retention activities are also necessary. It is important that the college institute systematic orientation programs which introduce the incoming students to strategies for coping with the college experience in a positive way. These programs are important not only for incoming freshmen, but may be of special importance for transfer students from the community or junior college system. While these students are not naive to the college experience, they may be naive to the differences between the community/junior college and the senior college systems.

Research suggests that coordinated and institutionalized university student services are important to retention (Allen, 1987). These support services are least successful when they are ad hoc services for black and/or minority students. The institutionalization of such services benefits the entire student body as a whole and transmits a message of institutional concern to all students, black and nonblack.

Research on the impact of predominantly white colleges and universities on black undergraduates suggests the importance of leadership skill development and opportunities (Fleming, 1984). One might imagine that leadership opportunities are limited to a small number of student organizations and their few elected officers. However, if one conceptualizes leadership in terms of problem-solving opportunities, college and university campuses have the potential for providing black students with numerous opportunities to practice adult-like problem-solving long before the students have to face the "real" world. Furthermore, it is possible to provide students with courses or workshops in leadership skill development.

Increased faculty involvement and faculty mentoring have been found to be very important in helping black students stay in college and graduate from college (Allen, 1987; Fleming, 1984). But unlike their white counterparts at predominantly white colleges and universities, black students' opportunities for mentoring experiences are severely limited. Research suggests that nonblack faculty do not make themselves available to black undergraduates.

It is interesting to note that while faculty members, in general, are not fully cognizant of the importance of mentoring on the students' academic progress, business and industry have become convinced of the importance of such learning and nurturing relationships. Not only have such relationships been identified in the business world, they have been encouraged in order to promote the success of employees within the organization and to increase identification with the corporation. Colleges and universities have to develop mechanisms which encourage and reward faculty for initiating and nurturing such relationships with students in general, but with black students in particular.

Finally, it has been suggested that colleges and universities that have been most successful in the retention of black students are campuses where value-added teaching strategies are encouraged (Allen, 1987). These more diverse teaching strategies involve the use of peer teaching, cooperative teaching, and multimedia instructional approaches, to name a few. These more varied teaching strategies result in a better match between the varied learning styles of the students and the goal of knowledge acquisition.

In conclusion, one must focus on both recruitment and retention activities at the undergraduate level if the number of black undergraduates is to be maintained or, hopefully, increased.

There are some similarities in the factors that must be addressed if the numbers of black faculty and black undergraduate and graduate students are to increase. Appropriate recruitment efforts are crucial. Making use of relevant networks of professionals or prospective students is required. Using the traditional contact for faculty and students will not yield large numbers of black applicants.

Likewise, at all levels, retention strategies must be implemented. Attention to unfair administrative or advisement responsibilities for black faculty, availability of mentors for both black graduate and undergraduate students, and organized support services for undergraduates all make a difference.

One must ask the question, why are these solutions not being used on a regular basis? Why do predominantly white college and universities fail to "learn" these solutions? Why don't new and more creative solutions emerge? Is this reluctance or retardation accidental, or is there a purposefulness to the lack of action? It is to these questions that the U.S. Commission on Civil Rights must address itself. If these patterns are not random, if otherwise highly intelligent people fail to "learn" certain facts, strategies, and solutions, one must look to the possibility of overt and subtle racism as the cause.

Discrimination seems to be involved in the low rates of black faculty members obtaining tenure. Can it be that most black Ph.D.s are incompetent, regardless of the field of study or the area of research engaged in? It is no accident that black academicians face the same kind of discrimination in the race for grant money and publication of research and other papers as they find on their respective college campuses.

The U.S. Commission on Civil Rights has the ability to examine the rates of participation of black Americans in higher education to see if the efforts to obliterate the prior effects of discrimination have been effective or if there are new forms of discrimination. The Commission can study the differential rates of black Americans entering graduate schools to see if there is a consistent pattern that makes it much less likely for the black college graduate to pursue and complete a doctoral program than is the case for other students.

Some progress has been made. However, much work still needs to be completed. Given the historical, social, cultural and economic conditions of our country, more than 25 years are going to be needed to correct over 200 years of discrimination, minimization, and ignorance of black Americans and their multiplicity of talents and contributions. If the Commission's vigilance is not maintained, the year 2000 may resemble the year 1900 more than it does the 1970s, when the greatest increase in black participation in higher education occurred.

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New Approaches to Justice: The Neighborhood Foundations

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Though America is called a nation of immigrants, our assessments and analyses of justice for minority populations reveal profound ambivalence and puzzling ambiguities. Discussions about minority groups and civil rights usually neglect, oftentimes ignore, and in times of trouble and tension even blame ethnic groups, especially those populations whose parents and grandparents migrated to America. Thus, the existence of inequality, injustice, social and political stratification, economic constraints, dissatisfaction, alienation, etc. that are part of the human condition have been associated and linked to the ethnic configuration of American society. Our national reality and experience in minority group justice provides a host of positive and negative examples. Consequently, we are prepared and unprepared to explore perspectives on civil rights of minority populations and social justice for various ethnic and ancestry populations that have become salient because of previous public policies and practices, demographic change, and recent court decisions regarding unacceptable discrimination as well as the lack of due process and equal protection.

Issues, tensions, and conflict will increase in a nation that is as litigious, mobile, energetic, and full of opportunity and promise as America. Thus, new perspectives on civil rights for a multiethnic, modern, and mobile society must be sought. In fact, the very nature of the society and its populations suggest that the search for perspectives may well be an ongoing need, given the characteristics that constitute the American reality.

In many American cities, the effect of massive worldwide movement of persons has challenged the validity of previously held explanations and approaches to justice as well as notions of group oppression. These new experiences of ethnicity in urban life reveal the need for a new paradigm and fresh perspective on equality and justice. This situation offers a historic moment for the creative application of social theory and a fresh opportunity to understand the legality and reality of minority status. These inquiries yield clear imperatives for the recovery of the moral foundations of social order, and the development of neighborhood-based approaches to public policy and social justice.

The problems and potential of population and cultural change require clarifying our perceptions and understanding of ethnicity and minority status. The research and experiences of the last two decades suggest the need for the reassessment of approaches to civil rights issues and a fresh analysis of the meaning of urban ethnicity. The current state of these questions prompts one to recall the insight of George Bernanos: "The most corrupting lies are problems poorly stated." The human and social fundamentals that frequently elude enquiry and remedy (because of crisis and passion-filled arenas of social and political conflict) must be pondered. This critique and reauthorization begins from the claim that our national capacity and competency in civil rights issues and the imperatives of urban multiethnic harmony have been stunted by the antiurban social construction of reality. More specifically, we are victims of a dichotomous racialist lexicon of politics and culture which emerged in the Southern States between 1850-1915. Such mentalities influenced the contour and context of our national self-understanding into the urban crisis of the 1960s and emergence of urban ethnicity and the claims for neighborhood governance that erupted in the 1970s. Our legacy of narrow tolerance and its limited register for diversity generated a well-meaning universalism and the desire for the small and the local. The mean and divisive current of racialism and ethnocentrism was an unintended consequence. In many respects, the American imagination was shaped by both an inadequate language and traditional practices which unwittingly infected many with modern racism and stifling privatism. The persistence of color-conscious language has eclipsed the realities of culture and class; it has marginated the importance of power and has blurred processes of exchange between elites and other persons in the society. After decades of neglect and ignorance, the need for appropriate analysis is acknowledged. The clarification of minority status and national origin discrimination as well as the significance of neighborhoods to urban well-being in a society committed to liberty and justice for all has begun. The new waves of immigrants are a crisis of growth from which a wholesome articulation of a new era of urbanism, pluralism, tolerance, dignity, and cultural variety could blossom.

The plurality and the experience of ethnicities underscore the tension between the American legal system and the American political system. The American legal system remains riveted to individual rights, but the enduring character of ethnicity and group political action invites even more claims for group accommodation. The challenge facing urban America is to fashion a nonexclusionary legal language and an inclusive practice of ethnic pluralism in pursuit of liberty and justice for all.

In the sixties and seventies, ethnicity, i.e., the consciousness of group identity, attempted to establish its legitimacy vis-a-vis the universalistic notion of humanity derived from the Enlightenment. On one level, to be ethnic meant to stress differences in language, culture, and religion. However, by examining ethnic experiences, many Americans began to learn that ethnicities were also a powerfully integrative expression of profound humaneness. Ethnicity brought people together and laid the basis for community. Ethnic tradition implied moral and social models for a united culturally pluralistic America. Out of the particularistic experience of each group, many persons learned to appreciate a common humanity. What was established in the last two decades was that to be ethnic was above all a way of being an American. It is time to begin to build on these insights. An age of scarcity and renewed competition for jobs require alternative paths to justice. It is time to look beyond the corporation and government and toward reconstituting a neighborly community-based approach to order which creates trust among people. If America is to maintain hope and identity, it must develop the structural resources to enable persons to reconstitute communities which nurture tolerance and democracy. Not to explore this option is to resign ourselves to alienation and violence.

Immigration

During every major economic crisis since the 1890s, immigrants have become a target for complaints and frustrations. Such conflict, which even occurs between established ethnics and new immigrants of the same nationality, reduces production and services and destroys civic confidence. Group-based oppression and discrimination based on national origin have been ignored and neglected dimensions of inequality; they seethe beneath the surface of passive civility. Because explosions are rare, some recommend the therapy of diversion and control; using such methods discounts the importance of developing social consensus and dismisses approaches to justice anchored in the experiences of communities. Nonetheless, data and evidence can be summoned to support the case for a neighborhood-based approach to justice in a multiethnic society. If you have not been in a city for a while, then sporadic reports of group violence and the demographics of immigration soon will convince you that America is beginning a new round of population and cultural change. The number of Asian and South American immigrants has increased. The U.S. census counted over 14 million foreign-born persons in 1980. In 1970 the census revealed 9.6 million foreign-born persons. Such a massive acceleration of change may induce fear and hatred. The challenge for leadership, however, is to channel this fresh and vital social energy into attitudes, policies, and programs which reflect the convergent hopes for fairness, dignity, and respect for the culture of all persons.

A productive approach to the new immigration should begin with a reevaluation of the ethnic American and the articulation of a persuasive reminder and noble vision; i.e., the great hope America offered to our parents and grandparents has inspirited millions once again. America still magnetically attracts immigrants from around the world. Unlike many Americans, the children and grandchildren of immigrants know that the immigrant experience is not a tourist trip. It is no easier now than ever in human history to leave family and friends and undertake often long and dangerous journeys to live and work, usually at the lowest and most menial jobs, among strangers who do not speak your language. All Americans should know, but ethnic Americans can recall that migration is both a physical and spiritual journey. In fact, it is a pilgrimage nourished by necessity, hope, and desire. Contrary to horror stories about alien hordes or self-serving propaganda from the sending countries, it is usually the energetic and oppressed who yearn for the American way of life. As in the past, the immigrants are bringing part of our future with them, and that future is a uniquely American story we should be telling again.

It should be clear to all that the new immigrants do not comprise a single, undifferentiated group. Migration has many streams, and its impacts on our society and economy are varied in the extreme. The primary countries from which documented immigrants arrive are now Mexico, Korea, Cuba, China and Taiwan, India, the Dominican Republic, and Jamaica. Of the recent arrivals, 1.3 million came from Latin America and 1.2 million from Asia. More than half the newcomers from Latin America arrived from Mexico. The census counted over 2 million residents of the United States born in Mexico, of whom one-third came to this country from 1975 to 1980. Most United States residents born in Laos, Vietnam, and Cambodia arrived in this country from 1975 to 1980: 97 percent of the 54,881 Laotians, 90.5 percent of the 231,120 Vietnam born, and 90.9 percent of the 20,175 Cambodians arrived in this country in that 5-year period. Nonetheless, European migrants from Germany and Italy alone approached

2 million. But these data invite curiously different prognoses. Robert Pear in his article "Immigration and the Randomness of Ethnic Mix" (*New York Times*, October 2, 1984), quotes Lawrence Fuchs, an expert on immigration and former staff director of the Select Committee on Immigration Reform, saying "We are probably going to have a browning of America over time." He concludes, as a result "concepts of color and race will probably change and it's possible that questions about color won't even be asked in the census 150 years from now."

Dr. Thad Radzialowksi's prognosis is passionately different; he writes:

> It is surprising and unfortunate that a scholar as careful as Professor Fuchs should contribute so to the continuing popular and legal nonsense and to the debasement of the language of the public discourse with his talk of "browning" and "non-white." To focus on the skin color of the new immigrants or of their off-spring as they intermarry with other Americans is to say nothing of significance or about our future as a people. What is important about them is their culture. It would be the height of absurdity to tell us for example, that the immigrants who shaped the history and culture of New York city were "white" instead of Jewish, Irish and Italian.
>
> There is no question why we should wait 150 years to eliminate questions about color from the census. We can do it now and we should. Such a move would spare us the insults to intelligence and assault on meaning that the present system of racial classification delivers. What can be more bizarre than the category of "white"? It is a remnant of the racism and nativism that infected our national culture earlier this century. "White" then as now is more a social category than a "racial" one. At the turn of the century it was common to speak or write of "white men and dagoes," "white men and hunkies," and "white men and Polacks." It was so widespread that, as David Katz reports in his book on black Detroit, even a black at the turn of the century could report there were no white men in his trade, "there's some Polacks, but they ain't white you know."
>
> Racial laws created for black Americans were often applied to Mediterranean and Middle Eastern people. Only sixty years ago an Armenian had to sue in the State of California to be declared white. One of the sillier uses of our racial categories was the attempt to deport a Finnish born radical during the "Red scare" as an "Asiatic" and hence not eligible for citizenship under our laws of Oriental exclusion.
>
> The "white" category provides us with no meaningful information about the ethnicity, language or cultural heritage of the people in that group. In fact, it may not even tell us about the "race" of some of them. In the 1980 census most of the persons who reported "American Indian" ancestry reported as white in the race item. The race question creates an unusual number of Asian "races." In response to question #4 of the U.S. census a person could choose to be white,

> black or Negro, Japanese, Chinese, Filipino, Korean, Vietnamese, Indian (American), Asian Indian, Hawaiian, Guamanian, Samoan, Eskimo, Aleut and "other-specify."

• •

> It is time to end once and for all the baleful influence of nonsensical "racial" or "color" categories in our public life. The end of the official legitimation of such unscientific categorization of our population by the Federal Government is the first step in that direction. (Letter to *Buildingblocks*, October 15, 1984).

Changing data collection is important, but a more profound treatment is needed. America is just beginning to acknowledge that immigration as well as other social, cultural, and economic changes have taken an enormous toll on people, neighborhoods, and community institutions. The urban burden is aggravated further by large-scale corporate and government policies which sustain social and economic tendencies that isolate and insulate persons. The urban immigrant and ethnic situation also challenges suburban and upwardly mobile ethnic populations to examine their scorn for urban life and the poor and their demeaning of working-class families that live in urban neighborhoods.

Difficult times require solidarity and cohesion among all immigrants and ethnics, but these times demand specific and relevant approaches and remedies. Preachment about rights, racism, brotherhood, and the American dream are insufficient and, in some contexts, simply fuel tensions and exacerbate conflict. The discussion of intergroup relations has too often been sketched in broad national strokes or sensationalized in times of crisis.

Occupational Mobility

In recent decades the government has adopted a strategy of active intervention in social, economic, and political areas to eliminate discrimination and to redress its effects. The change in policy was partially the result of the need to make a special effort to wipe out the disadvantages suffered by black Americans. However, it was clear that this attempt to pull black Americans and other groups up by governmental action could only have limited success without economic growth and prosperity. The possibility of economic mobility is far from certain for many other groups. The Kerner Commission Report sums up the experience of Southern and Eastern European immigrants in American cities during the 1960s:

> Eastern and Southern European ethnics, who come to America from rural backgrounds, as the Negroes did, are only now, after three generations, in the final states of escaping from poverty. Until the

last 10 years or so, most of them were employed in blue-collar jobs, and only a small proportion of their children were able or willing to attend college. In other words, only the third and in many cases the fourth generation has been able to achieve the kind of middle-class income and status that allows to send their children to college. Because of favorable economic and political conditions, these ethnic groups were able to escape from working class status to middle-class and lower middle-class status. But it has taken them three generations.

The rate and patterns of occupational mobility for Southern and Eastern European ethnic groups varied considerably. Certain groups such as the Romanians showed a surprising mobility, and a significant segment of their second generation moved into middle-class occupations. On the whole, however, the rate of mobility for most Americans of Southern and Eastern European ancestry was slow and gradual before the 1960s. It is interesting to note that in many cases, second-generation males of some of those groups showed a decline in status as compared to the status attained by their fathers. This was especially true if the fathers had attained a precarious hold on a middle-class position. In his Cleveland study, Josef Barton notes, "Italian fathers who gained middle-class status . . . consistently failed to pass their status to their children. As a result, the generation started the thirties with no better chance than those with which the immigrants had begun."

These conclusions are supported in general by Stephen Thernstrom's mobility study on the population of Boston, *The Other Bostonians*. This perhaps is the most careful and extensive historical mobility study ever done. It looks at Boston's people between 1880 and 1970. Several of his findings are worth noting. First, Thernstrom observes that the Great Depression had a particularly stunning effect on the occupational mobility of men born during the first decade of the century who started working in low-skilled jobs in the 1930s. In the northern cities in 1900, the new immigrant populations had high birth rates and a disproportionate concentration in the laboring classes. This disadvantage fell with heaviest consequences on many second-generation Southern and Eastern European ethnics and retarded their upward mobility. Secondly, he concludes that there are sharp ethnic differences in economic opportunity. Immigrants fared less well than natives in occupational competition, and the children of the immigrants were "distinctively less successful than men of old native stock." He further adds that though immigration restriction in the 1920s caused these differentials to blur, "half a century later they still remain visible to some degree." Finally, Thernstrom feels that there are variations in mobility rates between immigrants, second-generation men, and Yankees. Certain groups such as English and the Jews "found their way into higher occupational strata with exceptional speed," while Catholic ethnic groups such as Irish or some of the Southern and Eastern Europeans "moved ahead sluggishly and erratically."

The explanation of the "slow erratic" mobility of most Southern and Eastern European groups revolved around a series of cultural factors. Observers have pointed to the obvious lack of skills useful in an industrial society, poor educational preparation, initial inability to speak English, and the low social status that was carried over to the children. In addition, particular features of their religious background and/or their rural or national cultures often cited. Some scholars using a neo-Weberian analysis argue that Catholicism in general and the particular Catholic orientation and upbringing of the immigrants produced a world view that placed less emphasis on worldly success and higher education than did Protestantism. Others pointed to the relative importance of community rather than individualism, and of the concentration of capital to purchase land and homes rather than to engage in entrepreneurial activity as being antagonistic to urban, secular, or "modern" value systems.

The validity of the explanations has been challenged. Mirian Cohen argues that the attitudes of Southern and Eastern Europeans such as hard work, persistence, communal effort, and overachievement to overcome handicap and prejudice are, of course, crucial to the success of any poor and despised ethnic group but are often not enough without favorable structural conditions. In this the Americans of Southern and Eastern European ancestry were fortunate. After suffering the effects of the Great Depression, Americans of Southern and Eastern European ancestry were able to ride the crest wave of the unprecedented expansion of the American economy. The policies of the New Deal and the postwar expansion provided an intended boost to their mobility strategies. The recognition of the legitimate role of labor unions in American life, the G.I. Bill, the rapid expansion of public higher education, FHA and VA mortgages, and other policies that supported and facilitated homeownership, made the "Ethnic Miracle" work.

In the last decade, many of the factors that had made possible mobility for Americans of Southern and Eastern European ancestry have ceased to be important. Frieda S. Rozen of the Labor Studies Department at the University of Pennsylvania recently pointed out the social significance of some of these changes: One of the most important phenomena of recent decades has been the shift of industry away from the

Northeast. A few decades ago, there was the shift of the textile industry from New England to the South, and in more recent decades the shift of the other industries, not only of the plants, but of the headquarters and other operations to the part of the country we call the Sun Belt. This means a shift of jobs away from the major ethnic settlements. Autos, steel, and the electrical industry are those which drew immigrants to Pittsburgh, Detroit, New York, and New England. When these industries go south or go abroad, it is workers of Polish, Slavic, Portuguese, and Italian descent, as well as blacks, who are left behind.

She concludes that the "greatest threat" to the occupational status of Americans of Southern and Eastern European ancestry "is the shift of jobs, and industries away from the groups."

Under such conditions, the impact of prejudice and discrimination is significant. A scarcity of resources and jobs and a possible decline in opportunities of mobility increases the perception of discrimination.

Given current economic difficulties and potential for exacerbation of tension as well as a political climate which thrives on division and competitiveness, the process of community building will not be easy. Nonetheless, bad times provoke the renewed interest and search for basic insights which undergird political action and social order.

The rise of single-issue interest groups has challenged and, in part, fragmented the process of coalition building. The data and debate about measuring and remedying discrimination have become twisted. As such, the intensity of the problems have further fragmented the original thrust for liberty and justice. The introduction and increasing dependence on historical and inferential statistical evidence have complicated and even mystified public perception of sexism, racism, nativism, religious persecution, and barrier-free living. These contradictory findings from many sciences are used to buttress claims for remedies and results.

Whatever has goaded us into such a morass of narrow and exotic pleas, I believe, it demeans all claims for social and civil justice. What has crippled the coalition which was inspired by the hopes for liberty and justice for all? No easy answer is forthcoming. But I believe it is time for all to acknowledge that civil rights demand much more than legal enactment and that protection is hardly guaranteed if it is dependent on efforts of professional civil rights establishments who have become employees of public institutions. The importance of the nongovernmental institutions as the seedbed of human and civil rights cannot be ignored. How then does a society fashion the climate in which universal human dignity, civil rights, and the moral imperative of liberty and justice can grow?

Before this society yields to internal disintegration which may prompt extraordinary and tyrannical corporate and governmental remedies, we need to address the task of enabling Americans to understand the nongovernmental, natural, organic, intrinsic, community character of civil rights in America. What I propose is a new agenda and action thrust to understand, to protect, and to encourage community-based institutions which create a sense of human scale, individual efficacy, and common citizenship. There is good cross-cultural evidence for the claim that community-based institutions have created wholesome and helpful bonds between persons as well as between people and large-scale governmental and corporate institutions.

The rearticulation of community-based order is necessary because a society of unconnected and autonomous persons engaged in endless litigation hardly achieves the goals sought through the civil rights laws. Careful attention to what is left of the community-based reality of America may enable us to help the Nation understand the forces leading to group conflicts and seek new approaches to achieving liberty and justice. Without a new vision of civility, the rights of persons will simply become only forced behavior; and resources that can be bargained and accommodated can be obviously lost. Religious, racial, and ethnic claims and the recognition of class in a maturing society have complicated our public language of minority justice.

Jim Castelli, a widely respected journalist on religion and government relations, noted that the controversy surrounding the nomination of a former lawyer of the Catholic League for Religious and Civil Rights highlights the rift between those groups organized primarily to fight racial and sexual discrimination and those organized against religious and ethnic discrimination.

As Althea Simmons of the NAACP puts it, "The two categories of problems (ethnicity and race) are not comparable and the suggestion that they are worthy of the same attention demonstrates a serious lack of knowledge of American history. A white skin, no matter what the ethnic origin would be, means to automatic access to opportunities that simply are not available to a person with non-white skin." Whereas Fred Rotondaro, executive director of the National Italian-American Foundation, says, "Any ethnic leader, Italian or Polish or whatever, would be foolish to say our problems are anything near those of blacks or Hispanics' . . . We just need to see some sensitivity."

Such discussion fosters misunderstanding because it often leaves people angry, guilty, and fearful. Policy planners for corporations and government, as well as well-meaning universalists and even romantic protagonists of ethnic folk festivals, live on a national level of isolation and disengagement. A review of the corporate and legal record on national origin discrimination—a view of the executive suite and legal mechanism designed to end illegal discrimination—presents strong evidence for the need to fashion alternative approaches to justice in a multiethnic society. A new pathway to justice emerges from the experiences of urban life at the neighborhood level. The struggle for justice should move beyond the rhetoric of blaming enemies, making slogans, praising victims. The mainstream claims of economic mobility and legal remedies are equally faulted. Neither the record of corporate practices nor the mechanisms of legal protection seem entirely adequate in a segmented and stratified multiethnic society. A dismal forecast for the future emerges from an analysis of ethnic group mobility.

The Executive Suite

The first argument for an alternative pathway to justice is the tortuously slow movement of persons into the executive suites of our American largest corporations. Russell Barta has been carefully exploring and documenting this dimension of exclusion.

In 1972 and again in 1984 the Institute of Urban Life, in cooperation with the National Center for Urban Ethnic Affairs, published a report titled *The Representation of Poles, Italians, Latins and Blacks in the Executive Suites of Chicago's Largest Corporations*. The corporations reviewed in 1983 were the same as the 106 originally surveyed in 1972, with the exception of those whose corporate office had left Chicago or who had lost their identity through acquisition or mergers. The combined executive suites for the 92 corporations in the 1983 survey comprise a universe of 1,207 directors and 1,428 officers.

The 92 corporations resurveyed in 1983 rank among the largest in the Chicago area. They include the top 20 corporations of *Crain's Chicago Business* list of the Chicago area's largest public companies in 1983 and the top 15 of the Chicago *Sun-Times* listing of the area's biggest publicly held corporations.

More importantly, these corporations play a significant role in the national network of corporate wealth and influence. Sixty-four percent of the 92 are found either in *Fortune* magazine's 1984 roster of the 500 largest industrial corporations or

States. Forty-six percent appear on *Forbes* magazine's 1984 list of the Nation's 500 largest corporations. The significance of these reports extends beyond the Chicago area and its corporations. They can legitimately be viewed as studies of ethnic representativeness in the executive suites of major U.S. corporations. The study selected four minority groups—Poles, Italians, Latins, blacks—which have been historically and numerically significant in the United States but not traditionally viewed as allies in the civil rights movement. In sum, the reports documented the extent to which members of these ethnic groups had penetrated the centers of power and decision in the largest and most influential Chicago-based corporations. The 1972 study concluded that Italian Americans, Hispanic Americans, black Americans and Polish Americans "were grossly underrepresented on the boards of directors and in the executive positions of Chicago's major corporations."

The 1960s saw the rise of group consciousness among blacks and Hispanics, which initiated the pursuit of economic and social parity with other groups in the United States. It has been argued that this push for equal opportunity released the latent consciousness of other groups, such as Poles and Italians. They became increasingly aware that, like blacks and Hispanics, they too did not share equitably in the leadership and affluence of American society. Russell Barta reflected the mood of the 1970s when he noted:

> The question, "How many are there?" has become one of the most provocative and unsettling questions being raised on all levels of American society. It reflects the national preoccupation with evaluating the success or failure of various ethnic groups in gaining their share in the American system for distributing income and power. Despite the powerful American rhetoric, which emphasizes individual achievement, power and affluence in reality still flow along group lines . . . . An individual's religious or ethnic affiliation may in fact still be an obstacle to his or her advancement.

In the 1984 update of this study, Barta argues that questions which may have been unsettling in the 1970s are taken for granted in the 1980s. Public opinion generally recognizes that such questions are both inevitable and legitimate in a multiethnic society, and that they can be asked without weakening the social fabric.

The comparison of the 1984 and 1972 findings are revealing. Barta reports:

> 1. Of 1,428 officers in 1983, 6 percent were Polish, Italian, Hispanic or black, compared to 3.8 percent in 1972. Of 1,207 directors in 1983, 4.7 percent were Italian, Polish, Hispanic or Black, compared to

2.7 percent in 1972 . . . . Despite the fact that 47 percent of the metropolitan area's population in 1983 was Polish, Italian, Black or Hispanic, these groups account for only 143 of the 2,635 directors and officers, or 5 percent of the total.

2. Change in the executive suite is excessively slow. Although Poles make up 11.2 percent of the metropolitan area population, only 0.5 percent of the corporate directors are Poles. Italians who make up 7.3 percent of the population have only 2.2 percent of the directorships. Hispanics with 8.2 percent of the population hold only 0.2 percent of the directorships. Blacks who comprise 20.1 percent of the population hold only 1.8 percent of the directorships. The same pattern holds when one compares the percentage of officers who are Hispanic, Polish, Italian or black to the proportion of these four groups in the area's population . . . .

3. In 1983 the percentage of directors who are Black is 1.8 percent, compared to 0.4 percent in 1972. In 1983 the percentage of officers who are Poles is 2.6 percent compared to 0.7 percent in 1972. In 1983 only six Poles out of a total of 1,207 are directors, while the number of Polish officers is thirty-seven. However, ten of these Polish officers are located in one corporation and sixteen in three other companies. Twenty-two Blacks are directors in 1983, while only seven are officers. . . .

4. In the current survey, a 2.2 percent of directors are Italian, compared to 1.9 percent in 1972. Since 1972 there has been no change in the percentage of officers who are Italian. The 1972 and 1983 percentages are 2.9 percent. In 1983 almost one-third of the Italian directors are located in two corporations.

5. In 1983 Hispanic representation in high-level, decision-making positions remains almost non-existent. Hispanic directors and officers moved from three in 1972 to four in 1983. . . .

6. In 1983 28.3 percent of the corporations had no Pole, Italian, Hispanic or Black either as a director or as an officer, compared to 51.9 percent in 1972. Although the distribution of the four ethnic groups as a whole is broader in 1983 than in 1972, nevertheless seventy corporations out of the 92 have no Pole as an officer, sixty-two have no Italian as an officer, ninety have no Hispanic as an officer and eighty-seven have no Black as an officer. Of the 92 boards of directors, eighty-seven have no Pole; seventy-three, no Italian; ninety, no Hispanic; and seventy-one, no Black . . . .

7. Italians and Poles in the executive suite continue to be concentrated in financial institutions. Blacks are more likely to be present in corporations directly serving the public, such as utilities, banks and food companies. In 1983 sixty percent of Polish officers and thirty-four percent of the Italian officers are located either in banks or savings and loan institutions.

In a response to the study, Dr. Robert W. Ethridge, president, American Association for Affirmative Action, Emory University, notes that:

> an individual's religious or ethnic affiliation may in fact still be an obstacle to his or her advancement and that assuming that their numbers remain constant for future replications of the study, it will take several generations before the representation of these select ethnic group members will be equivalent to their representation in the population.

Ethridge argues that it is clear that the small progress made since the first study:

> would not have been attained without government enforcement of laws, regulations and executive orders, which require goals and timetables. Extraordinary measures must be initiated immediately in order to accelerate the occupational progress of the ethnic groups included in this study as well as the "protected class" members not included in this study.

The American Association for Affirmative Action called for immediate executive, legislative, and judicial branch support of affirmative action and civil rights efforts to accelerate the inclusion of "protected class" members in executive suites of major corporations. Further, the American Association for Affirmative Action (AAAA) called on minorities, handicapped individuals, females, and other "disenfranchised" or "minimally franchised" groups to join forces in using political persuasion to change the Reagan administration's "hands-off" policy to one of very strong and forthright support.

In sum, Ethridge and the AAAA argue that if the administration in Washington does not take the lead to bring parity to the participation of ethnic groups in the executive suites of the country's major corporations, as several administrations have done since 1964, our children, grandchildren, and great-grandchildren will review future minority reports and predict that it will take several more generations before the executive representation adequately reflects the multiethnic makeup of our society. Our concerted efforts are required now!

The need for concerted effort is clear. The question becomes what sorts of efforts are efficacious and what implications for the future can be derived from past and current practices. An assessment of the record of Federal institutions and practices uncovers difficulties which eroded the political support needed to sustain the effort. The increasing pressure of immigration portends even deeper division in the social fabric, and the full implication of the complexity and limits of social and economic mobility are beginning to dawn in a variety of ways. Though the full discussion of this epiphany on possibilities is beyond the scope of this paper, it should be more than obvious that the rise of "excluded" groups into positions of authority in large-scale private sector institutions will be slow.

National Origin Discrimination

The second argument for an alternative pathway to justice emerges from the perception of fairness which judicial and administrative action have perpetuated. The generally known record of advocacy and remedies for black and Hispanic Americans is not encouraging. But an even bleaker image emerges from a review of attempts to diminish national or ethnic discrimination. The story of Federal legislation, administrative practice, and judicial action which provide relief to ethnic Americans illustrates an institutional paralysis and a veritable Catch 22 for an excluded as well as ignored population. Clearly, the racial and ethnic protagonists in this drama are outside of the corporate board rooms. What the Chicago study does not reveal is that discrimination on the basis of national origin is the stepchild of the civil rights movement. Claims of national origin discrimination have generally been brought under Title VII of the Civil Rights Act of 1964, which states: "It shall be an unlawful employment practice for an employer . . . to discriminate against any individual . . . because of race, color, religion, sex, or national origin." Title VII of the Civil Rights Act of 1964 prohibits discrimination by private employers, labor unions, and employment agencies. The act was amended by the Equal Employment Opportunity Act of 1972 to expand coverage to include Federal, State, and local governments and educational institutions. Job applicants as well as incumbent employees are protected by the act. Title VII of the Civil Rights Act of 1964, as amended, is administered by the Equal Employment Opportunity Commission. Despite the clear statement enunciated in Title VII of governmental policy, of providing equal employment opportunities without discrimination because of race, color, religion, sex, or national origin, the attainment of this objective for ethnic Americans, especially those persons whose ancestors immigrated to America from Eastern and Southern Europe, is significantly impaired by an incongruous policy which does not recognize ethnic Americans for purposes of data collection.

A fairer and complete statement of the issue and difficulties inherent in the legal approach becomes obvious upon closer examination. First, the term "national origin" was not defined in Title VII, nor in the original Equal Employment Opportunity

Commission guidelines on Discrimination Because of National Origin. According to Rachel Rossoni Munafo, in her comprehensive article on the legal history and judicial interpretations of national origin discrimination, only a few references to national origin appear in the congressional debates on the Civil Rights Act of 1964. A discussion on the meaning of national origin took place in 1959 between Senator Javits and Senator Ervin in the hearings before the Committee on the Judiciary:

> Senator Javits: "What does the term national origin mean?"
>
> Senator Ervin: "Well, the term national origin means people whose ancestry is foreign to that of the United States, and it remains distinguishable in their customs and in the fact that they haven't been here more than one generation."

Despite this limited interpretation of the term national origin as encompassing only the immigrant generation, the congressional debates on Title VII suggested a potentially broader interpretation which included ancestry, " . . . the country from which you or your forebears came from." It was also argued that race was not determinative of one's national origin:

> Congressman Dent: "National origin of course has nothing to do with color, religion, or the race of an individual. A man may have migrated here from Great Britain and still be a colored person."

Although there was a lack of definitional consensus on the meaning of the term national origin, with the passage of Title VII of the Civil Rights Act of 1964 discrimination in employment based on a person's national origin—whatever that may mean—was made illegal.

Although there is limited discussion regarding the term national origin prior to enactment of Title VII of the Civil Rights Act of 1964, "it appears that the term national origin' was intended to apply to all national groups, including Americans of Southern and Eastern European ancestry." As suggested in the congressional debates regarding Title VII:

> Congressman Roosevelt: "May I just make very clear that national origin' means national. It means the country from which you or your forebears came from. You may come from Poland, Czechoslovakia, England, France, or any other country."

In the debates proceeding the passage of the 1972 amendment, Congress demonstrated a growing awareness of the need to protect groups from national origin discrimination. Reference is made to the comments of Senator Williams and Senator Javits during the debates:

> Senator Williams: "Irish, Italians, Jewish people, black people and women—these are the people to whom we are trying to give an equal opportunity . . . ."

> Senator Javits: "One of the things that those discriminated against have resented the most is that they are relegated to the . . . blue-collar jobs . . . ; and that though they built America, . . . they cannot ascend the higher rungs in professional and other life."

The legislative history of the modern Civil Rights Act suggests that Congress intended discrimination against all ethnics to come within the protective ambit of Title VII's national origin clause. The extent, however, to which the general public and specifically those individuals charged with enforcement of Title VII are aware that the prohibition against national origin discrimination extends to all ethnics cannot be ascertained. Although the claims of national origin discrimination have resulted in extensive litigation, only a very small percentage of these cases have been brought by Euroethnics. It has been submitted by Joseph G. Alegretti, assistant professor of law at Creighton University School of Law, that:

> Because so much more attention has been given the Spanish-surnamed individuals with regard to discrimination, many persons engaged in [equal employment opportunity] work may be only vaguely aware that the prohibition of national origin discrimination extends to people of all ethnic affiliations.

Only those national origin categories which are governmentally defined as minorities have official agency data compiled of them. In 1965 Executive Order 11246, a proactive administrative thrust, was enacted which prohibits employment discrimination based on race, color, religion, sex, or national origin. Under the Executive order, which has the force and the effect of legislation, businesses that contract with the Federal Government are required as a condition of their contracts not to discriminate and to take affirmative action toward equal opportunity in the form of self-developed affirmative action programs. As set forth in section 202(1) of the Executive order, which is referred to as the equal opportunity clause:

> The contractor will not discriminate against any employee or applicant for employment because of race, color, religion, sex or national origin. The contractor will take affirmative action to ensure that applicants are employed, and that employees are treated during employment, without regard to their race, color, religion, sex or national origin.

The Office of Federal Contract Compliance Programs (OFCCP) of the Department of Labor is the agency charged with enforcement of Executive Order 11246.

Although discrimination in employment on the basis of national origin is clearly prohibited under Title VII of the Civil Rights Act of 1964, with discrimination on the basis of race, color, religion, and sex, the term national origin was not defined in Title VII or in the EEOC guidelines until December 1980, when the Equal Employment Opportunity Commission promulgated the current version of the Guidelines on Discrimination Because of National Origin. The guidelines provide an operational meaning of national origin discrimination:

> The Commission defines national origin discrimination broadly as including, but not limited to, the denial of equal employment opportunity because of an individual's, or his or her ancestor's, place of origin; or because an individual has the physical, cultural or linguistic characteristics of a national origin group.

Another legal thrust to end discrimination because of national origin began in 1970 when the Equal Employment Opportunity Commission adopted its Guidelines on Discrimination Because of National Origin, later amended in 1974. Guidelines, such as the Guidelines on Discrimination Because of National Origin, function as interpretive rules to guide the decisions of employers and of the courts. Unlike administrative regulations, guidelines do not have the force of law. Although they are given less weight in judicial decisionmaking than are administrative regulations, the Supreme Court has stated repeated that guide-lines issued by an enforcement agency are to be accorded "great deference." In practical terms, the Guidelines on Discrimination Because of National Origin constitute the Equal Employment Opportunity Commission's interpretation of the current state of the law with regard to national origin discrimination. As such, they are not legally binding on employers or judges, and an individual cannot sue on the basis of their violation.

The regulations of the OFCCP do not, however, require formal utilization analyses or the establishment of goals and timetables for ethnic Americans. The only ethnic and racial designations which are classified as minorities are black, Hispanic, Asian, and American Indian for civil rights compliance and equal employment reporting as well as statistical and administrative reporting. Ethnic Americans are classified as nonminorities by the Federal Government under the "White, not of Hispanic Origin category" and, hence, do not come under the OFCCP formal affirmative action requirements.

Although government agencies are not limited to the above categories for the collection of data, this classification scheme has been adopted for Equal Employment Opportunity Commission reporting forms such as the EEO-1, the Office of Federal Contract Compliance Programs (OFCCP) affirmative action guidelines, and the Uniform Guidelines on Employee Selection Procedures.

The Office of Federal Contract Compliance Programs first issued "Guidelines on Discrimination Because of Religion or National Origin" in 1973 to implement the equal opportunity clause of Executive Order 11246. Although ethnic Americans are not included in OFCCP's formal affirmative action programs, the OFCCP has acknowledged that they are underrepresented in the middle and upper levels of management. The OFCCP's statement of "Purpose and Scope" under the guidelines asserts that:

> Members of various religious and ethnic groups, primarily but not exclusively of Eastern, Middle, and Southern European ancestry, such as Jews, Catholics, Italians, Greeks, and Slavic groups, continue to be excluded from executive, middle-management, and other job levels because of discrimination based upon their religion and/or national origin. These guidelines are intended to remedy such unfair treatment.

This statement is in accordance with several studies which have concluded that there is a significant underrepresentation of ethnic Americans in management positions, large law firms, and on university faculties. However, with no statistical data compiled, the extent of underrepresentation in executive and middle-management positions cannot be accurately ascertained, much less remedied.

Additionally, under the "equal employment policy" which is set forth in the guidelines, as mandated by Executive Order 11246:

> employers are prohibited from discriminating against employees or applicants for employment because of religion or national origin, and must take affirmative action to ensure that applicants are employed, and that employees are treated during employment, with regard to their religion or national origin.

Given an acknowledgment of management-level discrimination against ethnic Americans and an obligation to take affirmative action under the guidelines, it appears inconsistent that the OFCCP does not collect appropriate data and does not promote affirmative action on their behalf.

Because these data are not available and efforts to obtain information regarding an employee's national origin or religion by other means can present problematic privacy considerations, the practical effects of outreach and positive recruitment appear minimal if there are no means to identify whether a problem area exists in the first place.

The consequences of this policy are most evident when one attempts to pursue a claim of national origin discrimination under Title VII of the Civil Rights Act of 1964. Although Title VII forbids discrimination in employment on the basis of national origin, it is submitted that statistical nonrecognition of ethnic Americans operates essentially to deprive these groups of the full protection intended by the act.

Statistics, which are not collected, are relied on by the courts and enforcement agencies to show that an employment practice has a disparate effect on one group as opposed to another. A situation where there is underrepresentation of a national origin group in an employer's work force, as compared to its presence in the relevant labor market, would be revealed through use of statistical data. Such numerical evidence would raise a strong inference that illegal discrimination produced the results. Likewise, where employment practices such as tests, height or weight requirements, or fluency-in-English requirements, though neutral on their face, would have a substantially more adverse effect on an ethnic American group than on other groups, statistical data would be necessary to reveal the disparate impact. Therefore, the ability to prove a claim of employment discrimination on the basis of "disparate impact" depends significantly on the availability of group statistics.

Thus, it is apparent that the likelihood of bringing a successful claim of employment discrimination on the basis of national origin is significantly impaired, as Alegretti claims, by "the absence of necessary statistical information [which] presents a nearly insurmountable barrier to a person of Polish, Irish or Russian ancestry who wishes to bring a disparate impact case." Moreover, as Munafo argues:

> Since white ethnics are excluded from the "minority" classification, no statistics are gathered on employment practices relating to them, and they are denied evidence of "disparate impact" that is essential to prove discrimination. In effect, therefore, white ethnics are denied the protection of the Civil Rights Act of 1964 due to governmental policies creating preferential quotas that exclude them.

Because ethnic Americans are statistically incorporated into the "White, not of Hispanic Origin" classification, they are denied recognition as distinct national origin categories and have no available statistical data on them. Thus, Munafo argues:

> The government's definition of "minority" has created serious problems for the white ethnic groups. Since white ethnics are classified as non-minorities, no agency compiles official data concerning them. From a statistical standpoint, therefore, white ethnics are virtually invisible.

Governmental nonrecognition of ethnic Americans for data collection purposes further impacts the extent to which these groups are considered when public policy is legislated, and the degree to which they can seek redress in administrative and judicial channels for discriminatory treatment. Munafo concludes:

> As a result of this classification scheme, legislators and bureaucrats who rely on social statistics in shaping public policy inadvertently ignore the white ethnic groups. Additionally . . . white ethnics who are victims of discrimination, therefore, must try to prove "this without the benefit of group statistics. This burden is difficult, if not impossible to overcome.

The systemic nature of exclusionary data collection was addressed to the U.S. Commission on Civil Rights in 1979. The Commissioners' statement on this issue is still timely. It reads:

> At present, the Federal Government collects and requires others to collect employment data by sex and for selected minority groups (American Indians, Alaskan Natives, Asians and Pacific Islanders, blacks and Hispanics). Although this would seem that employment discrimination suffered by other minority groups, in this case Euro-ethnic American groups, is more acceptable or tolerable, the Commission rejects this concept . . . . The Commission on Civil Rights is concerned that such data are not collected at all and urges appropriate Federal agencies to explore ways in which they may do so.

In this regard the Office of Management and Budget (OMB) weighs in with its influence on the categories used for data collection. Charles A. Kromkowski's provocative analysis, *The History and Contemporary Significance of the Census for the United States*, reveals the pivotal importance of selective information in public policy. Deepening the findings of Ross Eckler, former director of the U.S. Census, Kromkowski confirms the influence of OMB in the development of standard classifications of commodities, occupations, industries, and geographic areas and the standardization of definitions and concepts. Eckler shows that:

> because of its role in providing benchmark totals in major subject areas, the Census Bureau was one of the first agencies to face the problem of developing methods of classification and standard operating procedures that would permit meaningful comparisons of data from various sources . . . .
>
> Moreover, definitions and concepts often require interagency consideration, and here again OMB has played an important role. For example, the labor force concepts are of concern to several agencies and have been the object of extensive study over many years by an interagency committee under OMB chairmanship. Similar attention, although on a less formal basis, has been given to the development of standard concepts and definitions in such fields as agriculture, income, and education to ensure that the work done by the Census Bureau will have maximum usefulness throughout the government. (Eckler, 1972)

Kromkowski argues that the executive branch has shaped the definition of America in the U.S. census through its control of the Office of Management and Budget. With various intergovernmental responsibilities, OMB oversees the census process throughout every stage of its development. Citing Eckler's finding, he focuses on the close cooperation of OMB and the Census. These executive agencies are charged with the responsibility to:

> ensure that no data collection program, whether a part of its own work or carried out for other agencies, involves any avoidable overlap with existing programs. Consideration is given not only to purely statistical agencies, but also to agencies that collect data on such subjects as stocks, production, imports, and payrolls needed for regulation and administration in such areas as taxation, agricultural assistance, and conservation of natural resources.

In tracing the administrative history of the U.S. census, Kromkowski notes that several years in advance of each decennial census a Federal council of various administrative agencies is organized by OMB to provide a focal point for bringing together and discussing all of the statistical needs within the government. As part of carrying out these statistical policy and coordination responsibilities, OMB organized and has been chairing the Federal Agency Council for the 1990 census. OMB established this body to assist in identifying the requirements of Federal agencies for data from the 1990 census and in determining the priorities that should be given to the numerous demands of Federal agencies to have questions included in the census questionnaire.

Kromkowski discovers that OMB standardization of racial/ethnic categories is grounded to a 1976 memorandum that produced a direct effect upon the development of the 1990 questions. Known as Directive 15: Race and Ethnic Standards for Federal Statistics and Administrative Reporting, this OMB intergovernmental directive set formal language boundaries on the type of categories that could be used for governmental data collecting purposes. Specifically, this directive recognized four racial groups: American Indian or Alaskan Native, Asian or Pacific Islander, black, white; and two types of ethnicity: Hispanic Origin and Not of Hispanic Origin. Each of these OMB-determined categories was included in the 1980 census and is identified for use on the 1990 census long form.

In addition to this administrative action on the issue, Kromkowski points to the Supreme Court and to the architectonic function of the U.S. Constitution as other formative sources. His analysis of these and other contextual influences on data collection enables us to recover the legal and constitutional foundations which drive governmental definition of the American people.

Kromkowski concludes his historical and normative case with the recent judicial elaboration of population categories which bears special consequences for the denial of civil rights because of national origin. The Court's unanimous decisions in *Saint Francis College v. Al-Khazraji* (1987, 85–2169) and *Shaare Tefila Congregation v. Cobb* (1987, 85–2156) illustrate the Court's influence upon the limits of acceptable categorization. These decisions have broken down yet another category that has constituted the baseline since the founding. This category is, of course, white. These decisions compel a substantive and normative case for complete population inclusion and for the full enumeration of all ancestries and ethnicities. Thus, the original intention of the enumeration clause and its elaboration in the 14th amendment and congressional intent, now most accurately construed by the Court, provide warrant to lay aside selective culturalist, racist enumeration.

Consequently, the U.S. census and the Congress have sufficient constitutional ground for a pathway through the thicket of claims that have emerged concerning whom is to be counted: In sum, the answer is certain—everyone.

This finding extends the Court's earlier ruling in *Federation for American Immigration Reform v. Klutznick* (447 U.S. 916), which expanded the formal recognized boundaries for measurement of the American people to include whole number census enumeration of illegal aliens for apportionment purposes. Among thousands of cases filed, two additional cases, *Young v. Klutznick* (487 F. Supp. 1318, *reversed* 652 F.2d 617, *certiorari* *denied* 455 U.S. 939) and *Carey v. Klutznick* (508 F. Supp. 420, *reversed* 653 F.2d 732, *certiorari denied* 455 U.S. 999) raised the issue of denial of complete enumeration of urban populations as a denial of equal representation in the House and State legislatures, in addition to an actual injury caused by loss of federally funded monies. At issue in each of these cases was yet a finer sophistication of definition and interpretation of the enumeration provision as well as its centrality to the process of equitable governance of a pluralist society.

In *Young v. Klutznick*, Detroit's Mayor Coleman Young brought grievance against the Bureau of the Census for underenumeration of Detroit's populace. The issue here was exclusion not by definition or underevaluation, but rather exclusion by quantitative nonexistence. These persons, in other words, were not recognized by the Constitution or the census for exclusion; they simply did not exist because they were not counted. Thus the folk truism, "If you're not counted, you don't count," was confirmed.

In certain conditions, the *Young* and *Reynolds* cases are significant parallels that trace their similarity to a 200-year expansion of the defined limits of the American people. In this respect, both *Reynolds* and *Young* began additional levels of redefinition of the meaning and the process of census enumeration, a redefinition that drew an adjusted baseline against which public equality and political justice could be measured—a baseline that assigned a common value to every person counted as well as a baseline that made it a right to be counted as a person.

In *Saint Francis College*, the Court ruled unanimously that Art. 1981 of the "Equal Rights Under the Law" statute reaches discrimination directed against an individual who is genetically part of an ethnicity and physiognomically distinctive subgrouping of *homo sapiens*. Justice White in his opinion for a unanimous Court writes:

> There is a common popular understanding that there are three major human races—Caucasoid, Mongoloid, and Negro. Many modern biologists and anthropologists, however, criticize racial classification as arbitrary and of little use in understanding the variability of human beings. It is said that generally homogeneous populations do not exist and traits are not discontinuous between populations; therefore a population can only be described in terms of relative frequencies of various traits. Clear-cut categories do not exist.

Given this legal grounding of the American census, Kromkowski's argument turns to the contemporary state of American self-measurement to suggest conclusions that best emphasize the architectonic functions of the census: Kromkowski concludes that census enumeration of the American people is and consistently has been the product of an ever-changing mixture of personal, special interest group, social visionary intentions that, at different times in American history, have shaped the language of politics. Because, moreover, the census determines the specific categories for enumeration of the American population, the present census process must be understood as a political act generated by specifically sought political benefits—that is, as politically constructed and politically biased as are the processes that determine congressional laws, executive initiatives, or even Supreme Court decisions.

Control of the categorical language of the census has historically translated into control of the statistical representation of the American political reality. In short, therefore, census categories and census numbers must be understood and analyzed not as necessarily scientific or value-free quanta of information, but as the products of specifically willful political acts.

The consequences of this conclusion have extended effects for both future political action and present political analysis. For not only must the sources and assumptions that contribute to the construction and the biases of the largest collection of social data on the American population be acknowledged, but the widespread secondary uses of census data by governmental decisionmakers and public practitioners, as well as—and perhaps even more profoundly—by political analysts, must also be recognized as products of the initially biased determinations of census categories.

Kromkowski's second conclusion is equally straightforward. That is, despite the modern elaborations of census categorization that allow a fuller political representation of the American public, the present standardization of only six census population categories on the 100 percent census short form—white, black Hispanic, Asian, American Indian, Aleut—prevents the full political recognition of a diverse, multicultural American constitution. Thus the 1990 census's constraint upon the free and full self-articulation of the American people: The 1990 census represents a politically determined restriction that characterizes contemporary American representative democracy.

The effects of and the discussion of possible remedies for these formal restrictions has only recently emerged within segments of the present governmental order. In 1979 the U.S. Commission on Civil Rights Statement on Euro-Ethnics argued this case:

> At present, the Federal Government collects and requires others to collect employment data by sex and for selected minority groups

(American Indians, Alaskan, Natives, Asians and Pacific Islanders, blacks and Hispanics). Although this would seem that employment discrimination suffered by other minority groups, in this case Euro-ethnic American groups, is more acceptable or tolerable, the Commission rejects this concept. The Commission on Civil Rights is concerned that such data are not collected at all and urges appropriate Federal agencies to explore ways in which they may do so.

The fuller implications of this recommendation become apparent from an examination of the original constitutional functions of the census. The census since the Constitutional Convention has performed two architectonic functions. One of these functions has been to ensure between the States a proportional equality of governmental representation; the second function—the fair sharing of economic burdens and fiscal responsibilities.

Since the first census, however the census' categorical identification and enumeration powers have been used politically as a powerful statistical tool to maintain a political order in which selected segments of the population were allowed less than full representation. For the modern era defined by the Civil Rights Acts of 1964 and 1968 and the Voting Rights Act of 1965 that made legislative corrections for these past abuses, the census became the means for identification and inclusion of segments of the public order previously excluded from full participation. This period's expansion and standardization of the categorical language to include four super-minority groups— black, Hispanic, Asian, and Native American—was a conscious attempt by the governmental order to statistically the kinds of imbalances that existed between the public reality and the political status of those previously denied full political recognition and participation. With census measurements of imbalances, positive governmental correction proceeded with an intended national equality in mind.

In many respects, though, this conscious expansion of formal categorical language has not been completed. For to limit and then to standardize the census categories that are used to recognize and representatively empower the American public in a two-tiered fashion—a white majority and a four-category minority—continues to impose artificial categorical restrictions upon full political participation. Categorical restrictions, furthermore, that are not supported by the American Constitution or the present period's civil rights actions will specifically deny any restrictions based upon race, color, national origin, or religion.

Perhaps most central to this normative reexamination of the self-interpretive language of American representative democracy is the dissection of the census super-majority category "white."

This final exposure of this census fiction of "whiteness"—a fiction that has forced and currently suppresses diverse and unrelated groups into an homogenized whole—would be a long overdue political recognition of the distinct and self-constituted segments of the American reality. On a practical level, only from a census schema—perhaps a categorical schema on the 100 percent short form that would replace the race question with an all-inclusive self-identification question modeled upon the sample form ancestry question—can the census truly be said to fulfill its intended functioning as a fair political measure and representation of the public constitution.

The constitutional and congressional intent, as well as biological and anthropological findings, support equal protection and due process in suits for damages by victims of ethnic discrimination. The development of such legal doctrine means that all ethnics are full partners in the eyes of the court. Though administrative mechanisms and sources for data collection have not yet modified their past practice, these necessary changes are hardly sufficient for the protection and sustenance of civil rights. An exploration of the human and social foundations of public in multiethnic societies indicates that civility and civil rights are not merely the products of inspiring speech and law. They spring from the best and most generous impulses in human society and culture and are created by living in communities. Thus, it appears that to establish justice for minorities means to awaken America to an understanding of its complexity, its pluralism, and the importance of small-scale community-based institutions: This is the agenda for the renewal and recovery of solidarity in the pursuit of justice. Given the pace of economic mobility and the litigiousness and divisiveness of governmental remedies to national origin discrimination, the search for justice may require an entirely different view of discrimination based on national origin. This dimension of justice emerges from the praxis of older immigrant neighborhoods in which old and new immigrants are settling. Community-based justice in a multiethnic society involves processes of accommodation, the discovery and development of social cohesion, and the fashioning of small-scale economic ventures. The renewal and recovery of certain basic elements of community can begin because the vast majority of citizens of all ethnic and cultural traditions believe in liberty and justice for all. The importance of the community as the seedbed of human dignity and civil rights in this society should not be ignored. It is time to refocus the vision of justice which guides people. In today's political context, assuring attention to community-based institutions is a necessary step toward restructuring the Nation by constituting the bonds of social solidarity at the neighborhood level.

For all of these weaknesses and supposedly closed character, the structures of society that bring people together at the human face-to-face level of existence remain the most lasting and effective guarantee of personhood and civil well-being. Czeslaw Milosz, in his Nobel Award lecture, points toward the enormity of the loss that must be overcome if these little worlds of learning, meaning, and social solidarity are destroyed:

> Perhaps our most precious gift . . . is respect and gratitude for certain things which protect us from internal disintegration and from yielding to tyranny.
>
> Precisely for that reasons, some ways of life, some institutions become a target for the fury of evil forces—above all, the bonds between people that exist organically, as if by themselves, sustained by family, religion, neighborhood, common heritage.
>
> In other words, in many countries traditional bonds of civitas have been subject to a gradual erosion and their inhabitants become disinherited without realizing it.

Community and Neighborhood

The poor, powerless, and ignored ethnic and excluded racial groups are signs of unfulfilled promises in America, but the profound disintegration of the generous and open spirit which made these promises is a stunning irony. It is time to remember that America is a nation which promised dignity, liberty, and justice for all and to rebuild community in America on an understanding of its complexity, its pluralism, and the importance of small-scale community-based institutions to create a pathway to justice. If the conquest of community is not hastened by governmental and corporate penetration, a new arena of justice may emerge in America.

During the 1970s, new migrants began to change the face of America. In the New York-New Jersey region for instance—in areas such as Brooklyn, Jersey City, the Bronx, Elizabeth, Nassau County, and Paterson—entire neighborhoods have changed or are changing their ethnic composition. In some cases, ethnic neighborhoods which had stabilized or begun to decline have gone through a resurgence as immigration from the original countries has increased. Manhattan's Chinatown and Brooklyn's Polish Greenpoint are examples of communities which have expanded beyond their original boundaries due to a large infusion of new immigrants. There are, however, conflicts between the new immigrants and the ethnic communities into which they have moved.

Understanding the contemporary immigrant as well as the ethnic experience is an essential element of neighborhood initiatives designed to absorb and include *new Americans* in the creation of economic, personal, and cultural harmony. The one million aliens who registered in 1980 in New York-New Jersey came from 164 countries and dependencies. Although such diversity is not as great in Chicago, Washington, and Miami, there appears to be more diversity in even these cities than during previous migrations. In the Northeast and Midwest, the influence of political repression and economic depression in Europe caused an increase in immigrants from European countries such as Albania, the USSR, Poland, and Italy. Population change is very dramatic in Miami, which has become since the 1960s essentially an immigrant city. Quotas for the sending areas were revised upward by the United States in 1965. A good example of the resultant diversity is that Catholic mass is celebrated in 25 different languages in the New York-New Jersey area, including Albanian, Creole, Korean, Maltese, Slovak, Polish, and Italian.

So it is clear that the new immigration is not a single, undifferentiated process. It has many streams, and its impacts on our society and economy are varied in the extreme. What Frank Thistlehwaite wrote of the pre-World War I migration is equally true of the present one:

> Seen through a magnifying glass, this undifferentiated mass surface breaks down into a honey comb of innumerable particular cells, districts, villages, towns each with an individual reaction or lack of it to the pull of migration. This is not simply a question of Scottish Highlanders emigrating in a body of Upper Canada, Rhinelanders to Wisconsin, Swedes to Montana, Northern Italians to France and Argentina, Southern Italians to the United States, though these elementary distinctions are important. We only come to secret sources of the movement if we work at a finer tolerance. We must talk, not of Wales but of Portmadoc or Swansea, not of North or South Italy but of Venetia Giulia, Friuli, Basilicata and Calabria, not of Greece or even the Peloponnese, but of Tripolis, Sparta and Megalopolis, not of Lancashire but of Darwin or Blackburn, not of Norway but of Kristiana and North Bergenhus . . . Only when we examine . . . districts and townships, and trace the fortunes of their native sons, do we begin to understand to understand the true anatomy of migration.

Scholars of the old immigration have learned also that such a need for "a finer tolerance" is as necessary for the study of the pattern of settlement in the United States as it is for the study of the emigration pattern in Europe. In the final analysis, the immigrants did not settle in Pennsylvania, or even in the anthracite fields, but in small coal towns and tiny patches. They did not move to Detroit, Chicago, or New York *but to particular neighborhoods*, certain parishes, and even individual streets. It is only when we begin at the neighborhood level that we create a complete picture of the great immigration that transformed and continues to recreate America.

The impact of the new immigrant on neighborhoods is affected by the following factors:

- The nature and demographic structure of the incoming groups and the size of the influx;
- The degree of similarity and/or difference of the religions, cultures, and races between the receiving neighborhood groups and the immigrants;
- The earlier history of the area and of the neighborhood groups and their status and position in the city;
- The institutional strength and level of organization of entering and receiving groups;
- The social, political, and economic environment of the urban setting in which the neighborhood and its institutions are embedded;
- The previous relationship between resident groups.

In some cases the relationship of the new group or groups into a neighborhood changes the relationships of established groups. Residents in the receiving area relate to each other and to changing impacts on each other and to changing impacts on each other in different ways. We have noted that in certain areas the dynamic of a neighborhood or parish for older and newer residents is determined to a significant degree, and sometimes primarily, by the relationship of two or more new immigrant groups to each other. Finally, the character of group leadership appears to set the tone for intergroup relations.

Many of these old immigrant-new immigrant neighborhoods need mechanisms which limit the strain of conflict and succession. Others need to build their capacity to shape the revitalization of a neighborhood. All offer the possibility of observing first hand and at close range cases of "ethnization" of immigrant groups against the background of our knowledge of the variety of ways this process of acculturation took place among earlier immigrants. By applying our knowledge of self-help approaches and comparing the ways in which immigrants become an American ethnic group, we began to achieve, and neighborhoods have accomplished a great deal in the following fields:

- The development of local institutions and their relationship and importance to neighborhood and city.
- The incorporation of popular American culture and norms into more traditional world views and vice versa.
- The creation of community in a dramatically new country and among people who would often have been strangers to each other in the land of origin.

Such information is vital to an intelligent assessment of the current realities of urban life and the future of the city and its neighborhoods. The civil rights agenda for the nineties ought to assess and to address those features of corporate and governmental policy which have deleterious effects on the capacity of the American people to sustain the social and cultural infrastructure of threatened neighborhoods. As the Social Science Research Council argues:

> The nature of poverty in the United States is changing. It is found less among elderly and people living in nonurban areas and more among children living with one parent—in households headed principally by young women. Poverty has also become increasingly concentrated in urban America, in neighborhoods where a small core of the disadvantaged face the prospect of remaining impoverished, unable to participate meaningfully in the broader social and economic life of the country . . . . Although a portrait of the urban underclass is not yet complete, one of its most salient dimensions is spatial; the location of poverty in the United States has shifted dramatically during the last 25 years. Poverty—although still pronounced in America's rural areas—is an increasingly urban phenomenon. And within urban areas, poverty is increasingly concentrated in areas in which substantial proportions of the population are also poor.

Beginning with revisiting the findings and recommendations of the National Commission on Neighborhoods and then mounting a series of citizens forums and national factfindings on neighborhood life in America, the U.S. Commission on Civil Rights should give voice to successful efforts and struggling attempts of community initiative and citizen participation. Items of interest would range from the development and ownership of housing and small-scale enterprises to the social inventions required to meet human needs unavailable in the private sector and often inappropriately provided by the government and their agent in the large-scale, professionally controlled human-service establishments. From NCUEA's experience in this arena, especially needed new mechanisms should be created to nurture neighborhood-based maintenance of our social and cultural infrastructure; i.e., national and regional endowments for neighborhoods of America [NEN]. Such mechanisms would support the legitimacy and enhance the good work of neighborhood-based self-help development activities that form the foundation of our civil society. To be sure, we must be especially cognizant of gaps in the economic well-being of low- and moderate-income neighborhoods. The NEN could promote approaches that improve skills and markets, technique and organization, as well as capital retention, investment, and credit that are required in threatened neighborhoods. Yet, the well-being of all neighborhoods is diminished if approaches to economic development are not attentive to the social and cultural infrastructure of neighborhoods, especially the positive potential of ethnicity—as a bond of community and a source of insight into the tradition of human experience. Ethnicity is not a panacea or magic recipe. Inquiry concerning the value of ethnicity and the dynamics of ethnic diversity are a complex problematic. The record of conflict among groups appears to overshadow the history of cooperation. This frames the central issues of the crisis in civil society in multiethnic settlements. The options are clear. If one denies diversity, one flies in the face of persistent ethnic variety. The fashionable pose of the right and left, i.e., to be blind to ethnic diversity, is irrelevant at best. If selective affirmation of ethnicity is espoused, then reaction, counter claims of inequity, and the perception of inequality fester in the society and paralysis in social interaction soon ensues. If one acknowledges the persistence and variability of ethnicities, then strategies and approaches grounded in the specific social reality which reconcile claims as well as foster cooperation and peaceful resolution of conflict can be pursued. Such governmental and corporate policy begins with a new vision of the overall well-being of civil society; i.e., civil rights in a society such as contemporary America ought to include the pursuit of cultural rights of all ethnicities. A fair hearing of this proposal and the elaboration of new approaches to nurturing the infrastructure of civil society at the neighborhood level would include fostering tolerance, appreciation, understanding, and multiethnic competency. Such an agenda is needed for the well-being of our domestic tranquility as well as our international relationships.

The depth of ethnic affiliation and ascription varies—the immediate immigrant, the person engaged in an ethnic association, persons that appear to be assimilated and acculturated. Thus, though awareness of ethnicity and the ethnic factor have become part of various disciplines and forms of analysis, its elementary nature and its ongoing character remain a mystery to many.

We ought to remedy this appallingly neglected dimension of American life and begin to prepare our children to live in a democratic multicultural society. We should take the opportunity to examine how well our schools are conveying the history and culture of the diverse racial, ethnic, and religious groups that constitute our people; how effectively programs and textbooks are combatting prejudice and harmful stereotypes; and how successfully the importance of a tolerant pluralism is being taught.

It is perhaps time to propose the formation of teacher, parent, and ethnic group coalitions and encourage the development of local ethnic studies resource banks devoted to promoting ethnic understanding and intergroup cooperation. This form of local self-help action may turn the tide of indifference and neglect. Philip Rosen's, *The Neglected Dimension: Ethnicity in America*, proposes guidelines to examine the treatment of immigration and ethnicity in America. He invites us all to ask:

- Does the text picture immigration as an ongoing process from colonial times to the present, or does it confine it to waves of foreigners coming to a settled America?
- Are immigrants and minority groups brushed in tones of "tired" or "poor," the outcast of their native lands, or does the text show a spectrum of types?
- Does the text make it appear the problems America incurred by opening its door outweighed the advantages of labor, skills, talent, and intellect supplied by immigrants, or vice versa?
- Does the text view immigration and ethnicity solely in terms of problems caused by minority or immigrant groups or does it look sympathetically at the conditions and the difficulties they had as well?
- Does the text imply that American ethnic diversity came with the new immigration or does it point out that religious and other ethnic difference existed in this country from its founding and does it provide examples of ethnic cooperation and conflict?
- Are so-called white ethnic groups, their children and grandchildren, credited with rapid assimilation so much so that ethnic groups seem to disappear altogether, or does the text mention the survival of national origin groups?
- Are the social consequences of discrimination ignored, or are they illustrated by the successive uses of slums by immigrants and minorities, and by the economic handicaps imposed in the employment of immigrants and minorities in backbreaking, dangerous, and undesirable occupations?
- Are subjects such as labor movements, city growth, political activity, denominational organization, and educational reform

discussed without reference to the ethnic or racial identity of the workers, citizens, voters, parishioners, and children?

These guidelines were developed by concerned teachers, parents, and ethnic groups. Using them we can monitor the existing programs and identify those areas of social, literary, historical, or cultural study programs that need improvement. Our children have the right to understand their own and their neighborhoods' cultural heritages—they being the basic ingredients of tolerance and democracy.

This exercise and experience in discovering community prompted by concern for education, fairness, and intergroup understanding through the analysis of social history and the attendant formation of community-based cohesion and intergroup cooperation could be a propaedeutic for community-based understanding, healing, and consensus building. In fact, the clarification of other social, economic, and political dimensions of injustice requires this sort of grounding. Local level consultations could be arranged to explore economic and community development, housing and health care, productive enterprises and human services.

It is obviously belated and academic to argue about the equal opportunity ideology. It is still important, however, to indicate that repeating equal opportunity ventures without the coalition, momentum, and moral religious fervor of the civil rights movement is at best sterile and at worst disruptive and corruptive. It is clear that any program of "equal opportunity" which is narrowly focused and is not part of a broadly based, generously conceived program of social justice for all is fraught with difficulties serious enough to call into question its value. Resistance from the middle class and working class based on attitudes shaped by the past and informed by notions of current self-interest have thwarted (and will thwart) such programs. Liberals and conservatives have created convenient scapegoats to explain the failure of inherently flawed programs. This has been happening for more than a decade, and the issue threatens to become even more explosive in the future.

In the next decade, we can expect developments in the economy which will have serious social effects. Despite word of optimism, the outlook remains guarded even if a major downturn is avoided. Many foresee increasing scarcity and cost of vital resources, marginal increases in productivity, a slowing down of mobility, the return of double digit inflation, and a growing competition for jobs. Ethnic groups which just began to move up the social and economic ladder within the last generation will find their mobility blocked by more than just the remnant of the old prejudice against them. They will be even more hard pressed than they are now by upwardly mobile blacks for the fewer available places in the middle class. All groups, but especially the blacks, will feel—as they are already feeling—the increasing pressure of the new groups of immigrants—brown, black, and white—for scarce jobs and societal resources. The growing numbers of Yemenis, Albanians, Vietnamese, Cambodians, and Haitians as well as South and Central Americans have created situations in housing and employment that are beginning to recall in intensity the earlier struggles between blacks and immigrants. The potential for the kind of violence that wracked Chicago, Detroit, Buffalo, and other northern cities over work and space may become real again in many parts of the country. The racial hatreds that resulted from the first round of that protracted struggle could arise again to poisoned relations for another century. The whole climate, therefore, is working against the possibility of unity.

The animosities have become embedded in the American reality, and the underlying support of the present hatreds and difficulties is structural. The desirable but also impossible solution is a major restructuring of society and economy to create a more equitable distribution of benefits and appropriate employment for all who wish to work and qualify for it. Such a program is clearly an impossible dream far beyond the capabilities and resources, and would involve unsupportable human cost. However, a unified effort, with support from the public and private sectors for community initiatives to create programs which will defuse potential conflict and involve all groups in working out realistic solutions and satisfactory accommodations, could be catalyzed by the U.S. Commission on Civil Rights.

The Nation needs to develop programs of action grounded in social and cultural experiences that resonate within all person and ethnic groups. The following summary and recommendations are proposed as antidotes and remedies to and for the manipulation of interethnic distrust and divisive monocultural propaganda that have contributed to the destruction of neighborhood life.

Ethnicity

Ethnic identity in the United States is a modern identity. It was created in the new immigrant communities to replace older local and status identities and to bind together in American cities people who would have been strangers to each other in the old country. Ethnicity in the U.S. became a constantly changing complex of class and occupational identifications, ties to regions or origin, local parochial or civic loyalties in America, American national identity, and religious affiliations existing in dynamic tension with each other. The saliency of each, alone or in combination, for a group or individual changed with time, place, and circumstances. Each generation created anew its ethnicity. The "new ethnicity" of the sixties and seventies was the attempt to redefine ethnic identity with a new pride by educated, middle-class, and professional people who represented the younger generations of American ethnic groups, on the one hand, and the attempt by people still living in the older neighborhoods to make their ethnicity a defensive, public identity in a time of turmoil when it appeared that public benefits were being dispensed on the basis of group identities. The two trends merged to create a complex and often misunderstood phenomenon. The legacy of that period, however, was a growing appreciation of multicultural pluralism and the need and value of coalitions between ethnic groups to affect public policies.

To perpetuate our multicultural heritage, we must address such tasks as:

- Language preservation
- Ethnic studies
- Education for a pluralistic society
- Documentation of ethnic history and society

To promote understanding of ethnic groups among themselves and in society, we must address such tasks as:

- Interethnic networking and communication
- Research, publication, and dissemination of studies
- Positive representation in the media

Defamation

Although significant strides have been made in combatting discrimination and defamation against Americans of various ethnic groups, much still remains to be done. Unflattering and often distorted stereotypes of ethnic Americans continue to appear in the media. In the national and local media in America, ethnic Americans still remain substantially underrepresented in many areas. The effort to inform our fellow country men and women as well as our children of the history and culture of American ethnic groups through programs of school and public education has suffered a serious setback with the ending of the ethnic heritage program and the cutbacks in funding for arts and humanities. Many of the institutions and foundations that were in the forefront of the struggle to create a genuine multicultural pluralism, to promote better understanding between various groups of Americans, and to end discrimination have adopted other agendas for the 1980s.

To secure rights and justice for all Americans, we must address such tasks as:

- Fairness and equal treatment under the law
- Compilation of full and accurate data on the ethnic composition of the American people
- The appointment of public officials who are representative of and sensitive to America's ethnic diversity

Neighborhood

"Neighborhood" became part of the public dialogue in the sixties. It became one way of speaking about ethnicity and the value and ties of geographically defined face-to-face local urban communities that were under attack by urban planners and highway builders. While neighborhoods are not always communities, they do represent clusters of local public and private institutions around which people structure their daily lives and in which they realize their communal and ethnic identities. The churches, the political subdivisions, the commercial strips, the schools and libraries, clubs and bars and settlement houses all represent the network of institutions that tie a neighborhood together and allow its various peoples to carry on political participation and private communities. It is at the neighborhood level that ethnic coalitions are created in the actual struggle for common goals. It is the seedbed and proving ground of multicultural pluralism in America. A humane and civil urban life is impossible without neighborhoods. Thus, Federal, State, and local public policies which maintain neighborhoods and promote their revitalization are necessary if the city is to survive and if ethnicity is to remain a creative and positive force in American politics.

The Elderly

One of the major concerns of most urban ethnic groups is their elderly. Whether left behind in the changing old neighborhood or transplanted to senior citizen high rises or the suburbs, the ethnic elderly often find it difficult to maintain the kind of dignified life that they had hoped for themselves in their old age. Living among people who do not share or always value the language and culture in which they have grown up, deprived of services and care because of linguistic and cultural barriers, isolated by fear for personal safety and economic circumstances, many ethnic elderly feel lonely and alienated. We need to discuss and promote programs to reintegrate the elderly into church, neighborhood, and community, to provide support, information, and service in the vernacular they use and in a way that takes account of their culture and sensitivities. The ethnic elderly, like all of our senior citizens, represent an important human resource for our society which we misuse at the peril of damaging the social fabric. They represent an earlier chapter of the story out of which our children must find the materials and strength to build a future.

To assure people's well-being in all facets of their lives, in their families, neighborhoods, and communities, we must address such tasks as:

- Strengthening family life
- Care for the elderly
- Neighborhood revitalization
- Development of ethnic sensitivity in social and health services
- Promotion of vigorous and sustained economic growth

The preceding synopsis of my argument and its attendant recommendations for action could be dismissed as platitudes, so be it. Most Americans supported the great work of the U.S. Commission on Civil Rights when its agenda was perceived as extending liberty and justice to all.

The importance of family institutions for all groups is well known. It is the bond and core institution of neighborhood and community. The churches are equally important and should perhaps become the vehicle for bringing people together. The black church has long been the major integrating institution of urban working-class black communities and the source of its moral strength in the battle against racism. The Hispanic and ethnic working class in turn, largely Catholic but with some Orthodox members, also built its communities around its churches. The churches still provide the moral and social universe for the majority of the members of both groups and are an important training group for lay leadership in the community. The growth of ecumenism and the remarkable development of grassroots awareness of social thought make the Catholic churches even better vehicles for the dialogue at the community level than they were 10 years ago. Through the churches people can learn to know each other, to celebrate and worship together but most importantly, to begin to work out solutions to the problems they face in common. New immigrant church affiliation is rapidly changing and a growing arena.

It is axiomatic that people will accede to even unpleasant policies if they played some role in shaping them. Therefore, once thrust and communication are developed, Asians, browns, blacks, whites, and whatever—American ethnics all can use the forums thus created to develop grassroots accommodations and consensus regarding the allocation of resources and jobs in the community, in particular, and the way to establish a more just society, in general. *These then will not be meetings* *in which "victims" accuse their "oppressor" or "oppressors," witting and unwitting, who are forcefully informed of their transgressions, and expected to repent but meetings in which fellow Americans work as equals on common problems enlightened and guided by the moral and social precepts that they each find most compelling.* Other local organizations, such as labor unions, neighborhood associations, fraternals, etc., can also be involved in these forums.

It is out of hundreds of these local meetings that understanding and bonds can be developed between individuals and groups and possible solutions can be transmitted to government, private social agencies, and employers. It is the neighborhood grassroots work that should inform official and quasi-official decisions and give them legitimacy rather than vice versa. It is out of these local efforts that the new language of social integration and justice will be born by drawing on the best and most generous traditions of our peoples.

It is also through these local forums that people who have only a short time before undergone the trauma of migration—from southern cotton fields, European village, Asian village, South, Central, Caribbean America, as well as internal migrants—can share their experiences and institutions with the new immigrants. Various ties can ease the integration of the newcomers and develop structural ways of dealing with the inevitable conflicts of culture and competitions for work and living space.

In sum, inequality in access and participation in the executive suites of corporations, ambiguity and paralysis in the use of legal remedies have enabled (or forced) both new and old immigrants to fashion alternative worlds of meaning and action—the real protection required by such communities is to limit the penetration of corporate and State power. The cultivating of a strong community sector in America is the work most likely to create a pathway toward justice in a multiethnic society.

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Changing Demographics and Employment Regulation

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Introduction

Changes in the composition of the labor force and in the nature of jobs available will present new challenges for the protection of civil rights in employment. This paper speculates on some of the likely changes during the next 12 years to the turn of the century. We can be most certain of future shifts in the composition of the labor force, and these are discussed first. The most prominent of these include a growing Hispanic representation and an aging work force. Changes in the characteristics of jobs offered are then discussed. I then summarize some key features of the administration of the current Federal system to fight employment discrimination, including Title VII of the Civil Rights Act of 1964 and affirmative action under Executive Order 11246 and its successors. I close with some possible directions for changes in employment regulations.

Changes in Labor Supply

In the 15 years from 1985 to 2000, the Hispanic and Asian populations of the United States are each forecast by the Census Bureau to grow by 48 percent. Their population shares are forecast to grow from 7 to 9.4 percent, and from 2.7 to 3.6 percent, respectively. Over the same period, blacks are to grow by 24 percent and whites by only 5.6 percent. One net result is a non-Hispanic white population that falls from 78.3 to 73.7 percent of the Nation. The faster population growth rates of the minority groups will continue to erode the majority position of whites. Concomitant pressures on the balance of economic and political power can be expected, damped by the time required to organize raw numbers into power in each sphere.

These differences in growth rates across groups reflect underlying differences in each group's age distribution, fertility, life expectancy, and immigration rates. While the causes of these demographic shifts are largely beyond the purview of civil rights policy, their consequences may not be. It would be surprising if Federal civil rights efforts were completely unresponsive to shifts that resulted in blacks' share of the minority population falling from 53 percent in 1985 to 51 percent in 2000. Proceeding into the next century, blacks will become a minority of the minority population. Hispanic concerns may be expected to draw increasing attention, particularly as Hispanics increase their levels of political organization and activity. We have already seen the growing prominence of Hispanic interests in concord and in competition not just with those of whites, but with those of blacks as well.

The new dimensions this brings to the civil rights arena include both language and immigration issues. As some California employers have discovered in recent years, it is much easier to defend fluency in English as a valid job requirement under Title VII when only 10 percent of the work force or customers speak Spanish than when 90 percent do. Courts that have been loath to allow employers to justify their practices by reference to the necessity of catering to customer or coworker discrimination may not so easily invalidate the business necessity of bilingual or in some cases Spanish-speaking work forces. The importance of these types of cases becomes clearer once one recognizes that a substantial part of the Hispanic-white wage differential reflects differences in English proficiency. Once this is controlled for, differences between Hispanic and white wages narrow considerably. Language is an important determinant of Hispanic employment opportunities. By the same token, the English language has historically been one of the great forges of commonality across diverse ethnic and immigrant groups in the United States.

Alongside language issues stand those concerning immigration. The last immigration reform act could not pass without the addition of an explicit antidiscrimination clause. In principle, this was to help maintain the rights of citizens and legal immigrants, while making the employment of illegal immigrants more costly. Despite the new law, illegal immigrants continue to fill many unskilled, low-wage, and insecure jobs. Given the slowing growth of the labor force, we may expect the pressure to fill many of these jobs from outside to continue. Legal immigrants will continue to add substantially to labor force growth. Importantly, each legal immigrant represents not just one additional American, but also the potential immigration claims of a string of relatives, which will affect the overall quality of the immigrant pool.

Age

By the year 2000, the median age of the population is forecast by the Census Bureau to rise to 36.3, up from 31.5 in 1985. Of all the demographic changes we face, this may well be the most important. As the population ages, labor force growth rates decline. With fewer new entrants to absorb, the natural rate of unemployment may also decline. Discrimination is more likely to flourish in a regime of surplus labor, where employers have discretion to choose among many looking for work. In tighter labor markets, the pressure increases to utilize labor groups that may have been neglected in the past. The wages of young relative to old are expected to rise as young workers increase in relative scarcity. At the same time, the productivity and stability of the work force increases as average experience increases in an aging work force.

The Bureau of Labor Statistics projects that the median age of the labor force will rise to 38.9 years by the turn of the century. At this point, nearly half of the labor force will come under the protection of the Age Discrimination in Employment Act. Employers will face greater constraints in adjusting their work forces. The pension and health insurance rights of older workers will continue to grow in importance. As the demographic bulge of aging workers confronts narrowing corporate hierarchies, more litigation is bound to result. Employers who use corporate restructuring as a pretext for the elimination of jobs held mostly by the old may see these management decisions come under increasing surveillance in the courts.

Under Title VII, private employers are required to report the race and gender composition of their work forces to the government for its use in monitoring compliance with antidiscrimination laws. No such reporting of the age of employees is required. While the U.S. Equal Employment Opportunity Commission (EEOC) does litigate some age discrimination claims that come to its attention through complaints, in contrast to its monitoring of the race and sex of employees, the EEOC does not routinely collect information on the age distribution of employees.

Gender

The female share of the labor force is projected by the Bureau of Labor Statistics to reach 47.3 percent in the year 2000, up from 44.5 percent in 1986. Women have dramatically increased their representation in occupations and industries in which they were previously scarce. Relatively little of this shift appears to be directly traceable to antibias policies. Many of the issues this continuing shift raises are already clear. Unisex funding of pension and health insurance benefits have been required under Title VII. Antinepotism rules have confronted more dual-career families. Compensation schedules across male-and female-intensive jobs have been called into question and pregnancy rights have been expanded. Along with these, child care and maternity leave promise to grow as employment issues as women's employment increases.

Changes in Labor Demand

A number of shifts in the nature of labor demand are foreseeable that carry significant implications for the enforcement of civil rights. The continuing shift towards service sector jobs is a shift towards less stable jobs with less union representation at smaller employers. Even apart from the shift towards the service sector, a decreasing proportion of the work force is employed in large or in unionized establishments. While the implications of these shifts for civil rights enforcement may not be obvious, they are not without substance.

It is more difficult to enforce antidiscrimination laws in smaller establishments. They typically start with less formalized personnel procedures. Critically, their small size makes it more difficult to prove any statistical hypothesis. In particular, it is more difficult to substantiate evidence of adverse impact under Title VII at smaller employers. Affirmative action under the contract compliance program cannot fill the gap because regulators lack the resources to audit the employment patterns and practices of the great mass of small employers.

The decline of unions reduces an alternative mechanism for the delineation and protection of employment rights. Without unions, workers are more dependent upon the government to protect their rights. Many cases that, in the past, might have been resolved through union-management grievance systems or through collective bargaining will end up in the courts or in the administrative systems of Federal bureaucracies. The centralization of decisionmaking and dispute resolution may in turn forestall the growth of decentralized nongovernmental dispute resolution mechanisms.

Jobs tend to be more unstable in the service sector than in manufacturing. On one hand, increased job turnover raises the possibilities for disputes over discharges. On the other hand, less is at stake in short duration jobs.

During the past two decades, the fastest growing establishments have been those with the greatest proportion of white-collar workers. This holds true even within particular industries. In the future, job opportunities will continue to expand faster for more skilled workers. This is consistent with projections by the Bureau of Labor Statistics that job growth will be slowest for clerical workers, private household workers, production workers, operators, laborers, and farmers—all relatively unskilled positions. This makes access to education and training even more important for upward mobility and success in the job market, and raises the possibility of a mismatch between the skills firms need to compete in the global economy and the skills of the next generation of labor force entrants.

The growing openness of the U.S. economy means more domestic producers face foreign competition. To the extent this reduces domestic monopoly power, it reduces the scope for discrimination. It is also worth noting that foreign ownership of U.S. business is increasing rapidly. Such businesses are still covered under Title VII, although the politics of attacking employers are now charged with the addition of international conflict. In rare cases, special treaties have limited the application of U.S. employment laws to top management positions of such foreign-owned businesses.

The dividing lines between employees and employers have been blurred by the growth of subcontracted work forces and by increases in the number of people who work at home. Transient, arms-length relationships obscure and limit the employers' responsibilities and the employees' rights. It becomes more difficult for employees to compare treatment and detect discrimination. An employer can discriminate indirectly by choice of subcontractor rather than directly by choice of employee. The former choice may more easily be cloaked as a business decision, and so be more difficult to attack in the courts.

The suburbanization and decentralization of U.S. employment is likely to increase. However, the role played by this employment dispersal in causing minority unemployment because of a spatial mismatch appears to have been exaggerated. Even where housing segregation has kept minorities from living near suburban jobs, transportation systems have generally proved adequate to bridge the gap, albeit at the cost of increased commuting time.

Technological advances may reduce the cost of reasonable accommodation to the restrictions of the handicapped. As less expensive machinery becomes available to bridge many handicaps, this should expand job opportunities for the handicapped.

Finally, the erosion of employment at will doctrine in many State courts has created incentives for the formalization and rationalization of personnel procedures that are independent of Federal regulations. In some States, just cause discharge law has progressed sufficiently to serve as a substitute for Federal regulation. Of course, were this trend to continue with increasing diversity across the States, we could expect to see growing pressure for Federal legislation.

Regulatory Background

The cornerstone of the Federal fight against employment discrimination is Title VII of the Civil Rights Act of 1964. After a quarter-century of enforcement and development in the courts, this is a mature law with boundaries and implications that are now fairly well-defined. Today, disputes about the facts rather than disputes about the law are gaining in importance as sources of Title VII litigation.

Cases brought by private individuals have always been at the forefront of Title VII litigation. Title VII provides for a private right to sue, after applying for pro forma clearance from the EEOC. This is an important characteristic of the law because it insulates the threat of litigation from direct bureaucratic control. In consequence, changes in political regime that have altered the EEOC's own enforcement strategy have left largely unaltered the potential for private litigation. Such cases continue to grow in number.

The EEOC has made a number of administrative changes of consequence over the years. Of greatest significance, the era of "show trials" has now passed. These large, long, and widely publicized cases against some of the Nation's largest employers, including GM, GE, and AT&T, were designed to send a message that no employer, no matter how large and powerful, was immune from challenge under Title VII. Cases such as these drained a large proportion of the EEOC's litigation budget and manpower, often dragging on for years with only limited success in the courts. Of course, an alternative measure of their success is that the government's initiation of this litigation against major employers is more widely known than the modest direct outcome of this litigation.

The EEOC has avoided exercising its right to bring pattern or practice cases under Title VII, cases that focus on systemic and widespread discrimination. In recent years, EEOC litigation has been focused on cases of discrimination against individuals rather than cases involving statistical evidence of adverse impact against members of a group. This has considerably narrowed not only the focus, but also the impact of threatened EEOC litigation.

The EEOC has probably never enjoyed the luxury of sufficient staff and funding to investigate fully all charges brought before it. This led during the late 1970s to the buildup of a backlog of uninvestigated charges. The rapid charge processing system instituted since then has reduced the backlog, but has at the same time reduced the threat of the EEOC's developing any case into major litigation. The outcome, perhaps not undesirable to some, is that the system has evolved into the employment equivalent of a parking ticket—quick, relatively painless to employers, and generally without lasting effect.

Changes in the courts, the judiciary, and among employers have probably been of greater importance in limiting the potential of Title VII litigation in recent years. These changes apply not only to the EEOC, but to private litigation as well. Legal changes raising the certification standards for class actions have applied to Title VII cases. This makes it more difficult to organize litigation for a group of related plaintiffs with related charges, and so raises plaintiffs' costs in such cases. Some claim that after 25 years of litigation under Title VII, and substantial changes in the makeup of the judiciary, judges are now simply less easily persuaded that employment discrimination is a current problem of significant dimension. This leaves plaintiffs in a more precarious position than in the immediate aftermath of the height of the civil rights movement. Plaintiffs' lawyers also claim that their awards, of legal fees in particular, have been reduced, reducing the attractiveness of such risky cases to private lawyers. Not least, the easy pickings are largely gone, or at least have gone largely under cover. Blatant and obvious cases of smoking gun discrimination are less commonly found nowadays. The past success of Title VII in attacking the most egregious cases and in altering the behavior of others leaves the remaining cases harder to crack.

While Federal antidiscrimination efforts under Title VII have enjoyed the support of a widely shared consensus against discrimination, the same cannot be said of Federal affirmative action policy through the contract compliance program. Ambiguity seems inherent in a policy called by an ill-defined euphemism, and a policy on which Congress has so far succeeded in avoiding taking an explicit position. Federal contractors have an obligation not to discriminate, and an additional obligation to take affirmative action not to discriminate. The precise meaning of the second obligation, and whether it repeats or violates the first, has never been made clear.

Policy in this area tends to follow crises. Executive orders banning racial discrimination by Federal contractors have been in existence since President Roosevelt signed the first one in the face of a threatened mass march on Washington organized by A. Philip Randolph in the midst of World War II. Some now propose a contract compliance system without monitoring and without sanctions. To those curious about the fruits of such a system, it is worthwhile considering what happened the last time we tried one. Before 1960, the contract compliance system involved no monitoring, no sanctions, and most importantly, no resulting change in the color of the workplace.

Executive Order 11246 put some teeth into the contract compliance program, increasing both monitoring and the use of sanctions. By the early 1970s, this led to noticeably improved access of black men to jobs at the bottom of the job ladder.

The late 1970s were affirmative action's heyday, despite two oil shocks that increased the difficulty of accommodation. Blacks and Hispanics enjoyed their greatest gains under the contract compliance program before 1980. This meant not just getting a foot on the bottom rung of the employment ladder, but also moving up the ladder. Even at its height though, the program contributed little to the advance of white women.

Some suspect that whatever progress was achieved under affirmative action came by imposing a system of rigid quotas and by bringing the greatest pressure to bear on those with the lowest proportions of minority or female workers. The evidence supports neither criticism. Firms agreeing to employment goals that would have raised their average proportion black male from 6.3 percent to 7.1 percent actually achieved only 6.4 percent. Firms setting an average goal of 25.4 percent white female remained just where they started at 25.2 percent white female. It is charitable to describe this as making good faith progress towards a goal, and far from reality to describe it as a rigid quota. As for the targeting of pressure against employers, establishments with the lowest proportion of minorities or women among their employees were actually among the least likely to be subjected to a compliance review. The success of affirmative action during this period had little to do with quotas, but much to do with the political will to monitor employers and impose sanctions.

Since 1980 little has changed on paper, but everything has changed in practice. The contract compliance program has always depended to a great extent on the government's willingness to take symbolic actions to magnify the threat of enforcement. Since 1980 the government has more often criticized than supported affirmative action. It has also nearly eliminated the use of debarments and backpay awards, two principal sanctions giving backbone to the contract compliance program. Without the threat of effective sanctions, the increased number of compliance reviews amounts to going through the motions. In effect, there has generally been no affirmative action through the contract compliance program since 1980.

Changes in Regulatory Focus

As a creation of the executive branch, the demographic change that would have the greatest potential impact on the course of affirmative action would be an increase in the birth rate of Democrats. As white males' population share declines (and as Federal contracting grows at least as fast as the economy), the proportion of the work force that is protected under the contract compliance program will grow. One might hope that this would increase pressure against discrimination that would benefit all women and minorities. However, viewed as a system of preferences, equal preferences for all are equivalent to preferences for none.

Title VII is already witnessing a shift from litigation over getting jobs to litigation over keeping jobs and winning better jobs. As the work force ages and the demographic bulge confronts narrower levels of corporate hierarchies, this trend will continue. With an increasing proportion of the work force covered under the Age Discrimination Act, it is likely to be accompanied by increasing growth in age discrimination claims.

Comparable worth, a policy to gild women's occupational ghettoes rather than to remove barriers to occupational mobility, is largely stalled now in the private sector. Neither Congress nor the courts have proved anxious to set wages. In the public sector, where wages are already administratively set, women's employment share is high and increasing, so the opportunities and demand for comparable worth wage adjustments are strong. Public sector unions, which can and do set wages in collective bargaining, provide the most certain avenue for the quick pursuit of such adjustments.

The seniority systems that have appeared to pit unionism against the rapid progress of women and minorities should decline in divisiveness. After a generation of antidiscrimination enforcement, the seniority of women and minorities comes to more closely approximate that of white males. At that point, seniority systems become race and gender blind not only in principle, but also in effect.

Pure redistribution programs are by their nature divisive. Programs that offer more widely shared rewards, such as education ideals, such as antidiscrimination programs, continue to offer the most likely prospects for the future development of public policy.

Rethinking Entrepreneurship

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Entrepreneurship and American Culture

Horatio Alger wrote inspirational children's books in the late 19th century. In his novels, initially disadvantaged young men overcome obstacles "by luck and pluck." Although Alger never really claimed that hard work and determination alone could overcome any obstacles and achieve eventual success, his name is popularly linked to just that claim. Whatever Alger may have meant, in contemporary American culture, the "Horatio Alger tradition" stands for a philosophy of rugged individualism less radical than Ayn Rand's but sharing with that writer a profound faith in the ability of determined individuals to achieve socioeconomic success by dint of supreme efforts.

Of course, Horatio Alger did not invent the Horatio Alger tradition. Self-help and individualism were already prominent values in Benjamin Franklin's writings, a century earlier. Because these values have long been core features of American culture, self-help and individualism naturally find ready constituencies when advanced as solutions to social problems. Of these nostrums, the grandfather is probably the recommendation that the poor should lift themselves "by their bootstraps." This recommendation is simultaneously an affirmation of the cherished values of self-help and individualism as well as an argument against government interference in the economy. Entrepreneurship offers an example of self-help values scarcely less central than the bootstrap recommendation and has, indeed, often been identified as the bootstrap itself.

The entrepreneurship solution to social problems is self-employment. If someone or a group of someones is having a socioeconomic problem, whether of poverty or discrimination, those people should open business firms, thus positioning themselves for progression from dependent employees, to self-employed owners, to employers. This was the progression that Abraham Lincoln identified as "the natural course of labor." As the marketplace allows all entrants to compete for success, no color, ethnic, or religious prejudice excludes anyone from opening his or her own business firm. Once open, the firm depends for success upon hard work and ingenuity, resources available in principle to anyone. Therefore, when individual members of disadvantaged groups initiate and manage their own business firms, they position themselves for self-advancement, and in so doing advance the interests of the whole disadvantaged class to which they belong. In this manner, systematic application to entrepreneurship solves or, at least, reduces their socioeconomic problem.

Because entrepreneurship is a cultural cliche, Americans unthinkingly fit this complex subject into a hackneyed framework, thus frustrating innovation, research, and even dialogue about it. Americans already know that entrepreneurship expresses and belongs to a conservative political ideology that stresses minimum government and free markets as the wisest course. This message repels political liberals who advocate government intervention and regulation of both the economy and society. As a solution to the socioeconomic problems of minorities and of immigrants, people believe that entrepreneurship simply fits the conservative program and contradicts the liberal program. As is usually the case, the big political picture so thoroughly dominates opinion that even informed observers ignore the messy details. If one already understands the big picture, why waste time on trifling details?

In actuality, this widespread conception misinterprets the political implications of entrepreneurship. In fact, entrepreneurship does not divide liberals and conservatives. The political difference that separates liberals and conservatives is the role of government in the economy and society, especially its activist role in redressing inequalities. Entrepreneurship has, therefore, different roles under liberal and conservative administrations. Under conservative administrations, government scales back positive labor market policies and interventionist economic policies, leaving only entrepreneurship as a vehicle for redressing economic inequalities (Murray, 1984). Under liberal administrations, government intervenes more in the economy, but entrepreneurship continues to offer a private sector vehicle for redressing economic inequalities (Murray, 1984).

In short, entrepreneurship persists under liberal or conservative administrations. The political difference pertains to how much each administration stresses entrepreneurship. Under conservative administrations, entrepreneurship is the only or, at least, the major vehicle for rectifying socioeconomic inequalities. Liberal administrations offer social programs and interventions in the economy as well as entrepreneurship. Because it persists under either liberal or conservative administrations, entrepreneurship is actually the only noncontroversial, nonpartisan element of government labor market policy.

Entrepreneurship is part of a liberal labor market policy, not the whole of it. From a liberal perspective, entrepreneurship alone represents an inadequate labor market policy, not a pernicious policy. Therefore, liberals supplement entrepreneurship with government intervention, even government intervention in the process of entrepreneurship itself (Dukakis and Kanter, 1988: ch. 2). This supplementation takes the form of government loan programs targeted to minority-owned businesses and government procurement policies that favor minority-owned suppliers. Whether these interventions are effective or well-advised is not, of course, the point. The point is rather that entrepreneurship is neither a partisan issue nor a uniquely conservative faith. Currently, all the American political parties believe that entrepreneurship contributes to the solution of socioeconomic inequalities—and even Mr. Gorbachev has come around to this way of thinking (Szelenyi, 1988; Shillinger and Jenswold, 1988). The partisan issue concerns the social programs that administrations do or do not offer to complement entrepreneurship.

In our opinion, to stress entrepreneurship alone does not constitute a sufficient political response to this country's socioeconomic challenges, and we advocate in addition paring wasteful defense spending, a positive labor market policy, job-creating programs of tax-supported public works, and selective, temporary, revocable tariff protection for critical industries. As these are characteristically liberal views, we accept the political label. Nonetheless, we maintain that alongside these interventionist economic programs, entrepreneurship does have a modest but significant and cost-effective role to play in reducing socioeconomic inequalities among races and ethnic groups, in promoting economic growth, creating jobs, and in enriching the quality of life.

Research Pitfalls

A reconsideration of entrepreneurship requires a decision about who entrepreneurs are. Expressing the standard economic viewpoint, Leibenstein (1968: 75) defined entrepreneurs as individuals or groups who connect markets, fill gaps to correct market deficiencies, complete factor inputs, or create or expand firms. On this view, entrepreneurs assemble the factors of production, compensating from personal resources the market failures they confront. Similarly, Wilken (1979: 60) defined entrepreneurship ~~as a~~ social role involving the combination of factors of production to initiate qualitative or quantitative changes in production or services.

Carland and his associates (1984: 357) distinguished small business owners from entrepreneurs, concluding that most small business owners were insufficiently innovative to qualify as entrepreneurs. Although Carland's distinction makes conceptual sense, the unsolved problem is how to measure innovation. Following Wilken (1979: 71), any qualitative or quantitative innovations qualify as entrepreneurship, no matter how small, how few, or how slow. Naturally, big, numerous, and rapidly sequential innovations exert greater economic effect than small and unitary innovations, but how does one exclude from the class of entrepreneurs owner-managers with any claim to innovation? For example, even when the tenth yogurt shop opens in the neighborhood, the shop's owner-manager has, after all, some claim to innovation even though his or her small enterprise follows its nine predecessors placidly, the whole train of yogurt shops proceeding like circus elephants each of whose trunk entwines the tail of the one just ahead.

Because innovation is impossible to measure, we define entrepreneurs as owner-managers of their own firm, whether this firm was originated de novo, inherited, or purchased. The business population of an area consists of all firms located in the area, but what is a firm? A narrow definition requires a firm to have sales, assets, capital equipment, premises, employees, regular hours of operation, and an established reputation. Any narrow definition arbitrarily excludes a large segment of the self-employed. On a broad definition, firms offer goods or services for sale, and there is no requirement that firms employ labor, make sales, have assets or equipment, occupy premises, or demonstrate regular work habits (Sethuraman, 1976). In an extreme case, a homeless man offering oranges for sale from a bag is one grocery firm, and Safeway Corporation is another. Admittedly, the homeless vendor is not wealthy, but lack of wealth does not bar access to ownership of a firm.

Types of Entrepreneurs

Most entrepreneurs are not affluent, and many are downright marginal. Survivalist entrepreneurs selected entrepreneurship in preference to low-wage employment, their alternative. Because their reasons for this selection vary, we can, in turn, divide the survivalist entrepreneurs into two types: value entrepreneurs and disadvantaged entrepreneurs. *Value entrepreneurs* prefer low-return self-employment to low-wage jobs. Why do they prefer it? Their preferences represent social values, a strictly supply-side issue (Mead, 1986: 73, 80). Possibly they prefer the entrepreneur's independence, social status, lifestyle, independence, or hopes to the work environment of a low-wage, dead-end job. For example, in their study of entrepreneurial aspirations among young Americans, 18–25 years of age, Day and Willette (1987: p. IV–34) found that "being an important person in the community" significantly increased the probability of selecting entrepreneurship among blacks. Relative to white, Asian, and Hispanic youth, young blacks perceived the business owner as an important person, an autonomous social value that promoted their aspiration for entrepreneurship.

Whatever their reasons, value entrepreneurs select self-employment for nonmonetary reasons or, at least, heavily stress nonmonetary reasons. This value-induced selection produces a strictly supply-side variable influencing the rate of entrepreneurship in a group, a class, or a society (Light and Sanchez, 1987). Value entrepreneurs need not earn more in self-employment than in wage and salary employment, and ideally they should not. After all, those who have accepted financial disadvantage just to become entrepreneurs have demonstrated that social values (not money) prompted their occupational choice. Pure cases of value entrepreneurship exist, but in most cases, entrepreneurship as a social value coexists with financial motives in the selection of entrepreneurship as an occupation.

Despite their reputation for wealth, a manifestation of the cultural cliches that dog this subject, average earnings from self-employment in 272 SMSAs in 1980 were about 5 percent less than the average wage and salary incomes for native whites and foreign whites, and 14 percent less for blacks. Mean self-employment income was only higher than mean wage and salary income for Asians and Hispanics. It is, therefore, clear that in all five ethnoracial categories many or often most entrepreneurs earned no more than wage earners of their own group. Among this large class, value entrepreneurs must have been numerous in that a very large number of self-employed persons presumably earned no more from self-employment than they would have from wage or salary employment. For such persons, money returns were a matter of indifference, and value considerations presumably played a deciding role in their occupational choice.

We distinguish value entrepreneurs from *disadvantaged entrepreneurs*. Disadvantaged entrepreneurs undertake self-employment because, as a result of labor force disadvantage, they earn higher returns on their human capital in self-employment than in wage and salary employment (Light, 1979;

Min, 1988: ch. 5). Therefore, by definition, disadvantaged entrepreneurs ought to earn more from self-employment than they could in wage and salary employment. Labor force disadvantage may arise from physical disability, ethnoracial discrimination, unrecognized educational credentials, exclusion from referral networks, or any other cause. Higher returns in self-employment need not mean returns equal to those of native whites with the same education and experience. It is only necessary that workers disadvantaged in the general labor market experience less disadvantage in entrepreneurship than in wage labor. For example, Light and Bonacich (1988: 174) found that relative to their years of education, Korean wage and salary workers in Los Angeles County earned only 70 percent of what non-Korean wage and salary workers earned in 1980. However, relative again to their educational background, Korean entrepreneurs earned 92 percent of what non-Korean entrepreneurs earned. Because of their labor force disadvantage, Koreans had a financial incentive to undertake self-employment in preference to wage or salary employment.

Both disadvantaged and value entrepreneurship represent second choices of public policy just as lifeboats were a second choice of passengers on the *Titanic*. That is, the passengers would have preferred to ride the *Titanic* in comfort, but when that great ship went down, they were glad to find standing room in a lifeboat. In the same sense, high-wage jobs and high-return self-employment are the first choice objectives of public policy; where high-wage jobs and high-return business do not exist, and cannot be brought into existence, then value entrepreneurship at least offers low-wage workers a choice of lifestyles. Similarly, discriminatory employment practices produce below-average returns on human capital, a condition of labor force disadvantage. Although disadvantaged entrepreneurship offers a personal solution or semisolution to the individual's labor market disadvantage, from the point of view of public policy, discrimination in employment and labor force disadvantage are undesirable conditions.

Realistically speaking, however, neither low-wage jobs nor labor force disadvantage are about to disappear, so it is well that entrepreneurship exists to relieve both conditions. In the extreme cases of labor force disadvantage, permanent unemployment, a worker can never obtain any job, so destitution looms. Entrepreneurship is superior to destitution for both economic and social reasons. First, even marginal entrepreneurs produce goods and services that enhance the community's wealth whereas the destitute unemployed consume without producing. Second, as producers, marginal entrepreneurs participate in the polity and the culture, helping in the process to tame the crime, apathy, hopelessness, and substance abuse that often accompany destitution.

Entrepreneurship and Crime

To restrict entrepreneurship to legal trades is to exclude illegal entrepreneurship from consideration. Illegal entrepreneurs sell proscribed goods and services like drugs, prostitution, usurious loans, stolen property, and gambling plays (Light, 1977a, 1977b; Myers, 1978: 49). At least at the retail level, illegal entrepreneurs are common products of deprived socioeconomic environments from which they unsurprisingly emerge and in which they also cluster. First, illegal entrepreneurs satisfy a consumer demand that is itself in many cases a product of deprived socioeconomic conditions. For example, numbers banks provide informal financial services (saving and investment) in neighborhoods underserved by mainstream financial institutions (Light, 1977a). Again, insofar as some hopeless people turn to addictive drugs for solace, and their hopelessness is a product of protracted poverty and discrimination, illegal drug vendors tap a consumer market that is itself the whole or partial product of long-term poverty and discrimination. Second, many illegal entrepreneurs are value entrepreneurs who earn no more in crime than in legal employment. As such, their personal alternative to illegal entrepreneurship was unemployment or low-wage work.

These value entrepreneurs preferred criminal self-employment to wage labor because of the attractiveness of the criminal lifestyle. In point of fact, many criminals enjoy their occupation and have elaborated an occupational subculture to celebrate it. What Katz (1988: 313–317) labelled "seductions of crime" are the lifestyle attractions crime offers the criminal, whether in the ecstatic enjoyment of criminal misdeeds, or in the flashy life criminality affords. Indeed, for most criminals, style is crime's main attraction. Rewards matter, of course, but they need not exceed those of lawful alternatives and may actually fall short without discouraging criminal careers whose principal motive is the satisfaction illegal lifestyles afford. Naturally, a capable few move up to the criminal big time (Myers, 1978 : 50). For these disadvantaged entrepreneurs, criminal self-employment improves the rewards alternately available in straight employments as Merton (1968: ch. 6) long ago explained. These success stories are, however, rare. In crime, as in business, most entrepreneurs earn modest rewards.

Whatever one's opinion of these illegal entrepreneurs—drug dealers, fences, prostitutes, loan sharks, etc.—one cannot deny that they help themselves rather than awaiting a government handout. They also reduce unemployment by opening their own illegal firms. Except for these firms, the owners themselves would be unemployed. Of course, in helping themselves, many illegal entrepreneurs vend goods and services that further impoverish their already impoverished neighborhoods. In the case of vendors of addictive drugs, the point is too obvious to require elaboration. However, numbers banks provide credit services at usurious rates, thus causing the poor to pay more for financial services than do the nonpoor. The same observation arguably belongs to prostitutes and fences both of whom employ themselves in a traffic that indirectly undermines community welfare if only by undermining community morale and attracting undesirables into the community.

In this respect, many illegal entrepreneurs differ importantly from legal ones. Most legal entrepreneurs contribute goods and services that enrich and enhance the community in which they work.[1] As prosaic as it is, a dry cleaning establishment solves community problems (La Guire, 1988). The owner justly obtains income for solving those greasy problems and so improving his or her community. In contrast, an exciting career in independent drug vending impoverishes the community in which the illegal entrepreneur operates. Like a tobacco company or a polluting factory, both legitimate enterprises, an illegal drug-vending entrepreneur damages his customers and community. Because most legal and most illegal entrepreneurs have these quite different social consequences—the former a productive, the latter a parasitic—social policy needs to consider how to slow the flow of labor into wealth-destroying entrepreneurship, while enhancing the flow into wealth-creating entrepreneurship, even survivalist entrepreneurship. This is a policy of *entrepreneurial redirection* rather than a policy of entrepreneurial stimulation. Redirection policy is ideally successful when someone who would have otherwise become a fence, drug dealer, or a prostitute opens a dry cleaning establishment, a body shop, or a yogurt store instead.

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[1] Legalization is not the issue. Many legal business firms impose negative externalities upon communities too. For example, polluting industries make communities pay the cost of their pollution. Tobacco firms impose health costs upon the users, the users' families, and the users' communities. Sport stadiums impose traffic congestion upon the neighborhood, and so forth. If public welfare were the only guideline of public policy, many currently legal industries and industrial practices would be banned, regulated, or taxed. Of course, public welfare is not the only influence upon public policy, but this lamentable reality renders it all the more urgent that we expose the disparities.

Encouraging Entrepreneurial Redirection

Discouraging as it is, America's massive and shameful crime problem provides excellent evidence that our people do not lack initiative, a spirit of self-help, or independence. Robbing, stealing, and dealing drugs demonstrate these sterling qualities even though they are socially destructive in their consequences. In this regard, criminal and legitimate entrepreneurs converge in their values. Indeed, entrepreneurship itself epitomizes social values for which criminals express unique respect. Criminals and convicts frequently express disdain for low-wage labor, but identify self-employment in legitimate business as a respectable alternative to crime (Akerstrom, 1983). This coincidence of appraisal offers some ground for believing that some criminals or criminally inclined young persons might be attracted into legitimate entrepreneurship instead if they had or could obtain access to the requisite resources.

These resources include more than money. Of course, money is an important entrepreneurial resource. Entrepreneurs need money for initial capitalization. Equalization of borrowing opportunities is, therefore, one appropriate way to increase the opportunity for legal entrepreneurship among low-income persons. However, it is not the only way because money is by no means the only necessary resource. This situation is fortunate because capital loans are not a free resource, and their corrective record to date is unimpressive.

Entrepreneurs also need appropriate individual skills, knowledge, values, and attitudes. Some of these skills are directly vocational. Accounting is that kind of skill, and a social investment in public education produces its social dividend when a young person, having acquired that useful skill, becomes an accountant rather than a hold-up man. However, directly vocational skills like accounting are products of a prior desire for self-employment; and that desire is what needs, above all, to be channelled into constructive ventures. In a careful study, Day and Willette (1987: xii) found that among youths of all ethnoracial backgrounds, personal knowledge of a self-employed person, usually relative or parent, was the best predictor of plans for one's own legal self-employment. Of course, this knowledge was highly unequal, as young people of ethnoracial categories with high rates of legal self-employment (whites, Asians) knew more entrepreneurs than did young people from ethnoracial categories with low rates of legal entrepreneurship (blacks, Hispanics). The predictable result was reproduction of existing and unequal rates of entrepreneurship in the next generation (Fratoe, 1988: 35–37). In contrast, of course, slum youths knew many illegal entrepreneurs and learned from them the appropriate skills, knowledge, beliefs, and attitudes for survivalist entrepreneurship in crime. Unless disturbed, this knowledge gap guarantees that the next generation of slum youths will contain more than its share of illegal entrepreneurs and less than its share of legal ones. In this way, the failures of the past reproduce themselves in the future.

Breaking these vicious cycles requires external interventions. The appropriate task of social policy is to direct the intervention such that the highest volume of entrepreneurial redirection results from each intervention. A neglected resource, education is a cost-effective device for entrepreneurial redirection. Education inside the classroom is only one, important form. Education outside the classroom takes the form of media exposure, films, call-in talk shows, advertising, art, celebrity endorsements, prestige association, and social recognition. Whether inside or outside the classroom, what needs communication is the truth about entrepreneurship: Some entrepreneurs impoverish their communities; others enrich their communities.

If education could shift social perceptions about entrepreneurship, some people who now select survivalist entrepreneurship in crime would select instead survivalist entrepreneurship in legitimate business. In this case, entrepreneurial redirection would occur because of perceptual shifts affecting entrepreneurial supply rather than because of declines in the reward of crime, a demand-side issue. Demand-side approaches to criminal redirection have proven ineffective, and it is even unlikely that they can ever be effective (Myers, 1978: 47–48). In this situation, supply-side solutions merit trial. Confronting a climate of public intolerance of impoverishing entrepreneurship in crime, at least some entrepreneurial youths would select enriching rather than impoverishing entrepreneurship, thus simultaneously reducing their community's crime problem and enhancing its wealth. Of course, if one thinks in terms of sweeping and instant solutions, this modest proposal offers inadequate drama. It cannot eliminate crime or pauperism. If, however, one thinks in terms of long-range, cost-effective interventions, educational intervention on the supply side offers a means for ameliorating (not solving) a desperate situation.

Debunking as Education

As a feasible public strategy for entrepreneurial redirection, educational intervention encounters two potent myths that inhibit the legitimate entrepreneurship of disadvantaged and minority youth. These are the myth of the unavailability of capital and the myth of market saturation. The first myth concerns the availability of the financial means to finance wealth-producing small business enterprises. Disadvantaged youths commonly believe that legitimate firms require initial capitalization that is beyond their capability to acquire now or ever in the future (Macleod, 1987: 70). For example, in their comparative study of San Francisco and Washington, D.C., Day and Willette (1987: v) found that black youths "showed the highest inclination toward business ownership" of any of the four ethnoracial groups they studied. On measure after measure, black youths appeared more interested in entrepreneurship as an occupation than did white, Asian, or Hispanic youths. Yet, when asked whether they knew someone who would lend them between $5,000 and $15,000 to start their own business, only 41 percent of young black men answered "Yes" compared to 57 percent of all young men (1987: IV: 34). Blacks also perceived nonavailability of start-up capital as a bigger problem than did nonblacks.

This combination of high aspirations and perceived nonaccess to the requisite means evokes Merton's (1968: ch. 6) classic formula for criminality. Embracing the defeatist notion that wealth-producing entrepreneurship is impossible, disadvantaged but entrepreneurially inclined youth conclude that only value entrepreneurship in crime is realistically available to people like them. The belief has some merit. After all, vending drugs or turning tricks require little capital investment. A prostitute needs only what nature provided. A hold-up man's investment consists of a pistol or, if he is well turned out, an AK-47. In contrast, a yogurt store or a dry cleaning establishment require big downpayments and the ability to obtain a loan. Barriers to entrepreneurial entry are plainly lower in crime than in wealth-producing enterprises.

Nonetheless, plausible as it appears, this financial objection is only partially valid. In a special report, the U.S. Census Bureau found that among entrepreneurs of every ethnoracial category, two-thirds either required no capital to start their business or started their business without borrowing any capital (Fratoe, 1986: 40). Evidently, many households saved the wherewithal to start a small business. Immigrants show us how the feat is accomplished. In the last 15 years, the resumption of immigration to the United States has released millions of impoverished persons into our nation's largest metropolitan areas. Although these immigrants often speak little English, lack educational credentials accepted in this country, and lack access to hiring networks, they maintain rates of self-employment higher than those of native-born

Americans. This generalization holds true among all ethnoracial categories (Light and Sanchez, 1987). Admittedly, some new immigrants arrive with money, education, and experience that represents significant business resources. Nonetheless, immigrants in general are less endowed with class resources of money and education than are the native born in general, but the immigrants, nonetheless, manage higher rates of self-employment than do the native born.

Studies recurrently show that immigrant entrepreneurs raised most of their initial capitalization from their own savings (Fratoe, 1988: 40; Min, 1984: 34). Some of these savings were brought from abroad. Most were obtained from wage and salary income in this country. Contrary to the numerous myths, Federal and State loan assistance was of modest or negligible importance as an entrepreneurial resource. In 1982 only 1.3 percent of black entrepreneurs indicated that they had borrowed capital from any government program, and the percentage was even lower among Asians, Hispanics, and nonminority males (Fratoe, 1988: 40). Many Americans are skeptical about thrift, and relentless taxation of small savings balances does nothing to improve their opinion. Unsurprisingly, Americans are among the most thriftless people in the world. As a nation, Americans save only 3.9 percent of their disposable incomes (Shilling, 1988). This rate is not only lower than earlier in our history, it is also one of the lowest rates in the world. In contrast, Japanese households routinely save 17 percent of their disposable incomes, and Korean households save 36 percent. With a Korean saving rate, an American household with $15,000 in yearly disposable income would set aside $5,400 a year, and $54,000 in a decade. However, with an American savings rate, the same American household would save $600 yearly or $6,000 in a decade. Yet, one does not really need to be Korean to save money for one's own business. In point of fact, 70 percent of black entrepreneurs started their firm with less than $5,000 in capitalization, so even an American savings rate yields enough to start a business (Fratoe, 1988: 39).

Of course, we must acknowledge and deal with the destructive lending and investment policies of mainstream financial institutions (Delugach, 1988). Legislation is essential to control this abuse of financial power. At the same time, Asian entrepreneurs are acquiring capital despite these obstacles, and we may legitimately wonder how they do it. In point of fact, many Asian nationalities make effective use of indigenous rotating credit associations to assist them in saving and to link their community's savings to their community's financial needs. This linkage is broken when banks and insurance companies refuse to lend money back to the communities that originally saved it.

Rotating credit associations are informal savings and lending associations in which members make regular contributions to a shared fund whose use is rotated among the membership until all have taken. The practice is widespread in Africa, Central America, and Asia (Light and Bonacich, 1988: ch. 10; Velez, 1983). Although mostly oriented toward consumption and home acquisition, rotating credit associations also contribute to entrepreneurship. In a recent study of 110 Korean garment manufacturers in Los Angeles, two-thirds reported having utilized *kye*, the Korean rotating credit association, for saving, and one-third had utilized *kye* proceeds as part of their start-up capital (Light, Im, and Deng, 1988). As these Korean entrepreneurs employed 40 workers on the average, the Korean *kye* had supported the development of what were clearly significant business firms. If more Americans understood that many Korean immigrants saved the money to start their own business firms, they would have more faith in saving.

Thriftlessness and ignorance permit Americans to waste millions of dollars in legal and illegal lotteries that drain resources from their communities. Unfortunately, that drainage is only part of the damage. These same public shortcomings have encouraged the spread of unsound rumors that purport to explain the remarkable entrepreneurial success of immigrants, especially Asian immigrants. According to these rumors, widely believed by the public, Asian immigrants have been the beneficiaries of government largesse denied native-born citizens. This alleged largesse has given them the wherewithal to open so many small business firms. Although the rumors lack any substance, they offer pseudo-explanations to a public that is genuinely puzzled by the entrepreneurial success of the Asian immigrants. These pseudo-explanations are, however, self-defeating, since they reinforce the belief that only those with special political influence can become self-employed. Because this erroneous belief is itself part of the cycle of misinformation that locks native youths out of small business, exploding the false rumors is an essential educational task, subsumable within the larger educational task discussed above. It is not only that in the absence of valid knowledge, the prevailing demonology stirs up unnecessary and misguided intergroup tensions, pitting indigenous have-nots against foreigners (Light and Bonacich, 1988: 318-327). It is also that the misguided demonology reinforces the defeatism that locks native workers out of constructive business enterprise.

The Saturation Theory

The second objection to an educational strategy for entrepreneurial redirection is more sophisticated than the financial objection. The *saturation* theory maintains that the American economy has no room for additional entrepreneurs. Therefore, even if unemployed workers or active criminals could be redirected into constructive, wealth-creating enterprises, they would find no niche because the economy already contains all the small firms it can absorb. There must, after all, exist some limits on the number of self-employed persons any economy can support. If everyone tried to become self-employed, almost everyone would fail for exactly this reason. There is no sense in implementing a strategy for redirecting more workers into entrepreneurship when the market already has all the entrepreneurs it can absorb (Watts, 1987: 145).

In the current context, the saturation thesis has at least two fallacious implications. First, the saturation thesis implies that ethnoracial groups and categories are in zero sum competition for entrepreneurial opportunities. The more one gets, the less will be left for others. If new entrepreneurs attempt to invade these saturated opportunities, they can only succeed by driving out those who already occupy the coveted opportunities. Like a crowded elevator, the economy already has enough entrepreneur riders, so if any one wishes to get aboard, he has first to expel an occupant.

This zero sum corollary has much following in social science, in the American public at large, and especially in the urban black communities where Asian entrepreneurs are a significant commercial presence. The saturation argument offers rational support for anti-immigrant commercial campaigns that seek to mobilize local buying power for indigenous merchants. Boycotting alien merchants blasts them out of commercial niches they occupy, thus opening the coveted opportunity to indigenous entrepreneurs or would-be entrepreneurs (Kwong and Lum, 1988). Hitler's Nazis utilized similar arguments in boycotting Jewish businesses. From the Nazi point of view, Jewish firms soaked up entrepreneurial opportunities that would otherwise have been available to real Germans. If Nazi-organized boycotts could drive out the Jews, so the theory went, then their vacated economic niches would become available to real Germans.

In bringing out this historical parallel, we do not intend to disprove the saturation theory by linking it to unpopular politics. If unpopular beliefs were always wrong, we would still live on a flat earth. Nor is the saturation theory a product of malevolent intellectuals and a media conspiracy. On the

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contrary, saturation theory spontaneously emerges under conditions of prolonged socioeconomic tension, a process described in sociology by "middleman minority theory" (Bonacich, 1973). Indeed, a coauthor of this article (Light, 1967) advanced a saturation theory in an earlier publication.

Nonetheless, despite its superficial plausibility, the saturation theory is conceptually and empirically wrong. That the saturation theory is conceptually wrong is easy to demonstrate. To state that a limit on the population of entrepreneurs must exist, as does Lieberson (1980: 376, 380, 381), is not to demonstrate that this limit has already been reached in each of the USA's 272 SMSAs. That claim requires separate empirical demonstration that no one has thus far offered. Possibly, some or even most of those 272 SMSAs might increase their entrepreneur population by 3 percent just by tapping the population of unemployed workers, a project that some European countries have begun to attempt. If not 3 percent, then possibly 2 percent, and so forth. In any event, there is no warrant for the supposition that because the population of entrepreneurs must have an upward limit, that limit has already been reached everywhere (Young, 1988: 5).

Empirical evidence does not support the saturation theory either. Utilizing census data from 272 SMSAs, Light and Sanchez (1987) showed that, net of economic control variables, increases in the percentage foreign born of an SMSA tended to increase that SMSA's entrepreneur population. As the foreign-born were already known to have a larger proportion self-employed than the native-born, this statistical result implies that where the supply of entrepreneurs was larger, the entrepreneur population was also larger. That conclusion is incompatible with the saturation theory, according to which a larger share of entrepreneurial opportunities for group A must come at the expense of group B. If the saturation theory were correct, the percentage of foreign born in the population of an SMSA could have no effect on the entrepreneur population of that SMSA, as the entrepreneur population was already at its maximum.

In a related demonstration, Light and Sanchez (1987: 396) examined the statistical effect of foreign-born entrepreneurs upon the entrepreneurship rate of native black entrepreneurship as well as upon the financial returns to entrepreneurship obtained by native black entrepreneurs. To amplify the effect, they added Korean entrepreneurs to the equation, seeking to ascertain whether the rate of Korean entrepreneurship had any adverse effect upon the rate of native black entrepreneurship or upon the money returns of native blacks in self-employment. If the saturation theory were correct, then SMSAs with a high rate of foreign entrepreneurship and Korean entrepreneurship ought to have shown a reduced rate of black entrepreneurship, and vice versa. In fact, foreign entrepreneurship and Korean entrepreneurship were alike statistically independent of black entrepreneurship. That is, black entrepreneurship and entrepreneurial income were unaffected by foreign and Korean entrepreneurship. As above, this result implies that even if a limit exists, American SMSAs have not, in fact, reached some saturated upper limit of entrepreneurial population. Hence, it would be possible to redirect at least some of the unemployed and the illegally self-employed into constructive forms of self-employment.

Making the same observation, data we are currently analyzing show that self-employment rates and self-employment incomes were, for the most part, positively correlated among five ethnoracial categories in 1980 (table 1). Admittedly, these results are not definitive. We intend to ask more searching statistical questions in the future. Nonetheless, it is hard to squeeze support for the zero sum, saturation theory out of these positive correlations. If groups were in zero sum competition, then their rates of self-employment should correlate negatively rather than positively with those of other groups.

If the saturation objection is empirically and conceptually false, as we maintain, then the saturation objection itself emerges as an intellectual obstacle to entrepreneurial redirection. Defeatism is an acceptable philosophy when the facts warrant it, but the facts do not warrant the defeatism of the saturation theory. The popular and academic saturation theory directs energy into misguided bickering and away from concrete steps to improve local economies by directing underemployed workers into productive self-employment. When people believe a falsehood, they need education. An educational campaign to achieve that objective, therefore, requires a frank debunking of the saturation theory in public fora like this one. Many people believe the saturation theory, but those who do are part of the problem rather than part of the solution. We do not wish, however, to substitute a demonology of our own for the one we have explored. In our old-fashioned opinion, one can demonstrate the fallacy of saturationism and thus bring rational people to a higher appreciation of the feasibility of entrepreneurial redirection as well as of its desirability. But if public education were not essential, everyone would already understand this issue and so would require no additional information about it.

TABLE 1
Correlation Matrix of Mean Self-Employment Rates[1] and Log of Mean Self-Employment Incomes[2] of Six Ethnoracial Categories in 167 SMSAs,[3] 1980 Self-Employment Rate

	All foreign born	Native white	Foreign white	Asian	Hispanic	Black
All foreign born	1.0	0.18**	0.80**	0.54**	0.41**	0.18*
Native white		1.0	0.41**	0.19*	0.23**	0.48*
Foreign white			1.0	0.25**	0.32**	0.21**
Asian				1.0	0.19*	0.06
Hispanic					1.0	0.17*
Black						1.0
Log of mean self-employment income						
All foreign born	1.0	0.33**	0.71**	0.40**	0.09	0.39**
Native white		1.0	0.24**	0.17*	0.01	0.31**
Foreign white			1.0	0.11	0.07	0.24**
Asian				1.0	0.10	0.25
Hispanic					1.0	–0.02
Black						1.0

* = 0.05
** = 0.001

[1] Based on self-employed class of worker.

[2] Based on all who reported self-employment income.

[3] The six ethno-racial categories met the criterion that each has 100 or more persons, age 16 and above, in the civilian labor force in each of these 167 SMSAs.

Conclusion

Entrepreneurship has a modest contribution to make to economic growth and wealth creation in America's inner cities. Not a nostrum or cure-all, entrepreneurship education belongs on a list of practical, cost-effective measures intended to enhance wealth creation and to reduce unemployment and crime. Entrepreneurship education is compatible with both a conservative and a liberal labor market policy. However, for entrepreneurship to make this contribution to national well-being, it is essential to engage and explode the false knowledge that beclouds this subject. This false knowledge is itself part of the frustrating cycle that locks disadvantaged people into poverty and crime.

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